



## PORT OF OAKLAND

### SUPPLEMENTAL BOARD AGENDA

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Thursday, April 13, 2023

Board Room – 2nd Floor

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***The Public Portion Of The Meeting Will Begin At 4:00 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/1606147436>

*To join by Telephone:*

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

*Webinar ID: 160 614 7436*

*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:** [\[120-23\]](#)

**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

**Property:** 7717 Oakport Street, Oakland, CA

**Negotiating Parties:** Moussa Group, LLC

**Agency Negotiator:** Pamela Kershaw, Director of Commercial Real Estate

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

**Property:** 1 Franklin Street, Oakland, CA

**Negotiating Parties:** Hanwen Investment Inc, DBA Dragon Gate and the Port of Oakland

**Agency Negotiator:** Pamela Kershaw, Director of Commercial Real Estate; Dorin Tiutin, Commercial Real Estate Manager; Joseph Dudley Commercial Representative V

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

**File ID:** [\[121-23\]](#)

**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:** [\[122-23\]](#)

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

**Title:** Port Attorney

**File ID:** [\[123-23\]](#)

**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 Third Amendment to the Right of Way Use Permit Agreement with AT&T Corp Located Near the Bay Bridge Toll Plaza, to Extend the Term by Ten (10) Years, for an Initial Monthly Rent of \$8,400 Beginning on the Extended Term and Finding that the Proposed Action is Exempt under the California Environmental Quality Act (**CRE**)

**File ID:** [\[112-23\]](#)

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

[Attachment](#)

[Ordinance Item 2.1](#)

- 2.2 Ordinance:** Approve and Authorize the Executive Director to Execute an Assignment of Lease from United Food Solutions to Seabreeze Dining Ventures Jack London LLC, for the Premises Located at 31 Webster Street, Oakland, and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(CRE)**

**File ID:** [\[115-23\]](#)

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

- 2.3 Resolution:** Approve and Authorize the Executive Director to Execute a Supplemental Agreement with Arora Engineers, LLC to Provide High Resolution Aerial Maps for the Port's Geographic Information System and Asset Management System for an Amount not to Exceed \$60,000 for a Three-Year Term, Bringing the Total Not-to-Exceed Amount to \$165,600. **(Information Technology)**

**File ID:** [\[109-23\]](#)

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

- 2.4 Minutes:** Approval of the Minutes of the Regular Meetings of March 9, 2023 and March 23, 2023. **(Board)**

**File ID:** [\[119-23\]](#)

**Attachments:** [March 9, 2023 Minutes](#)  
[March 23, 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.*

### 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:** Adopt an Ordinance to Approve and Authorize the Executive Director to Execute the Airline Operating Agreement with Vuela El Salvador, S.A. de C.V., Doing Business as Volaris El Salvador for Approximately \$744,656 in Anticipated Revenue. **(Aviation)**

**File ID:** [\[092-23\]](#)

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

- 6.2 Resolution:** Approve and Authorize the Executive Director to Enter into a Third Phase Agreement for Purchase Agreements with Geysers Power Company, LLC with Northern California Power Agency for a Term Beginning January 1, 2025 Through December 31, 2036 for a Not-to-Exceed Cost of \$13,500,000. **(Chief Executive Office)**

**File ID:** [\[116-23\]](#)

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

- 6.3 Resolution:** Approve and Authorize the Executive Director to Waive Formal Competitive Procedures and Execute a Supplemental Agreement to the Existing Professional Services Agreement with Mandiant, Inc. to Extend the Term for an Additional Three (3) Years to Provide On-Call Cybersecurity Consulting, Incident Response, Training, Support, and Related Services in an Amount not to Exceed \$348,000. **(Information Technology)**

**File ID:** [\[108-23\]](#)

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

## 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 April 27, 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.