



## **SUPPLEMENTAL BOARD AGENDA**

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Thursday, May 24, 2018

Board Room – 2nd Floor

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***The Public Portion Of The Meeting Will Begin At 4:00 p.m.***

### **ROLL CALL**

*Commissioner Colbruno, Commissioner Hamlin, Commissioner Martinez, Commissioner Yee, 2nd Vice-President Cluver, 1st Vice President Butner and President Story.*

### **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 Matter 1**

*West Oakland Environmental Indicators Project Title VI Complaint: DOT#2017-0093, EPA File Nos. 13R-17-R9 (City of Oakland) and 14R-17-R9 (Board of Port Commissioners and Port of Oakland)*

**File ID:** [179-18]

- 1.2 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - (Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of California Government Code Section 54956.9): **Number of Matter 1**

**File ID:** [180-18]

- 1.3 CONFERENCE WITH LABOR NEGOTIATORS** (Pursuant to California Government Code Section 54956.6):

- 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

**File ID:** [182-18]

**1.4 PUBLIC EMPLOYMENT - (Pursuant to California Government Code Section 54957)**

**Title:** Chief Auditor

**File ID:** [185-18]

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

**Property:** One Market Street, Oakland, CA (Howard Terminal)

**Negotiating Parties:** Oakland Athletics and Port of Oakland

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

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

~~**PULLED** Property: Howard Terminal, Berth 67~~

~~Negotiating Parties: Central Concrete, Inc. and Port of Oakland~~

~~Agency Negotiator: John Driscoll, Director of Maritime~~

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

**Property:** Approximately 2 acres of submerged land adjacent to a pier on real property commonly referred to as 1101 Embarcadero West, located adjacent to the southerly side of Embarcadero West Street and adjacent to the westerly boundary of Howard Terminal

**Negotiating Parties:** Schnitzer Steel Industries, Inc. and Port of Oakland

**Agency Negotiator:** John Driscoll, Director of Maritime

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

**File ID:** [181-18]

**OPEN SESSION/ROLL CALL**

*Commissioner Colbruno, Commissioner Hamlin, Commissioner Martinez, Commissioner Yee, 2nd Vice-President Cluver, 1st Vice President Butner and President Story.*

**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:** Approval of Amendment No. 2 to Space Use Permit with Boingo Wireless, Inc. to provide Wireless Internet Access at Oakland International Airport for an Extended Six Month Term Expiring December 31, 2018 and Generating \$62,500 in Rental Revenue for the Term. **(Aviation)**

**File ID:** [\[145-18\]](#)

**Attachments:** [Agenda Report](#)  
[Ordinance Item 2.1](#)

- 2.2 Resolution:** Approve and Authorize Executive Director to Execute a Six-Month Extension of the Airport Shuttle Fleet Maintenance Agreement with Kelly's Truck Repair of San Leandro, to December 31, 2018, for an Amount Not to Exceed \$165,000 **(Aviation)**

**File ID:** [\[157-18\]](#)

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

- 2.3 Ordinance:** Approve and Authorize the Executive Director to Execute an Amendment of the License and Concession Agreement for the Premises Located at 8407 Edgewater Drive, Oakland to Assign the Agreement from J.W.P. Lenders Corporation to Fast Auto Loans, Inc. and to Add an Administrative Fee for Future Transfers. **(CRE)**

**File ID:** [\[172-18\]](#)

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

- 2.4 Resolution:** Approval of the Draft Port Share Plan for the Jack London Improvement District for Fiscal Year 2018 in the amount of \$122,122.92. **(CRE)**

**File ID:** [\[167-18\]](#)

**Attachments:** [Agenda Report](#)  
[Attachment](#)  
[Resolution Item 2.4](#)

- 2.5 Resolution:** Approve and Authorize the Executive Director to Consent to the Assignment of the Contract for Port Website Services with VNM Group, Inc. (dba Ciniva Web Agency) to Ciniva LLC. **(Finance & Admin)**

**File ID:** [\[160-18\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 2.5](#)

**2.6 Minutes:** Approval of the Minutes of the Regular Meeting of April 12, 2018. **(Board)**

**File ID:** [\[166-18\]](#)

**Attachments:** [April 12, 2018 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, 2018 including Capital Expenditure Report. **(Finance & Admin)**

**File ID:** [\[067-18\]](#)

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

**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:** Approve Amendment No. 3 to Space/Use Permit for Non-Exclusive In Terminal Advertising Concession with Clear Channel Outdoor dba Clear Channel Airports to Extend the Term on a Month-to-Month Basis until March 31, 2019 with Guaranteed Monthly Revenue of \$35,000; and Authorize Director of Aviation to Enter into such Amendment with Clear Channel. (1 Airport Drive) **(Aviation)**

**File ID:** [\[149-18\]](#)

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

- 6.2 Resolution:** Approval of Additional \$903,000 in Project Budget Authorization for the Construction of Checked Baggage Inspection System to Support Explosives Detection System Recapitalization at Terminal 2, Oakland International Airport **(Aviation/Engineering)**

**File ID:** [\[135-18\]](#)

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

- 6.3 Resolution:** Additional Budget Authorization of \$130,000 for the Design of Lift Station No. 2 Capital Improvements, Oakland International Airport **(Aviation/Engineering)**

**File ID:** [\[159-18\]](#)

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

- 6.4 Resolution:** (1) Approve Budget of \$1,100,000 for Design, Preconstruction Services, and Port Labor for the Terminal 1 Restroom Renovation Project (2) Approve Budget of \$700,000 for Design, Preconstruction Services, and Port Labor for the Moving Walkways Removal and Restoration Project. **(Aviation/Engineering)**

**File ID:** [\[168-18\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 6.4](#)

- 6.5 Resolution:** Approval of a Second Supplemental Agreement with Orion Engineers and Associates, PLLC for Construction Management Services for the Runway 12-30 Rehabilitation Project in an Additional Amount of \$249,000, for a Maximum Not-to-Exceed Contract Amount of \$4,149,000 and Extend the Terms of the Contract to September 30, 2018. **(Engineering)**

**File ID:** [\[136-18\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 6.5](#)

- 6.6 Resolution:** Authorize the Executive Director to Enter into an On-Call Demolition Design Service Contract with AE3 Partners, Inc. for an amount not to exceed \$1,500,000, at the Oakland International Airport (OAK). **(Aviation/Engineering)**

**File ID:** [\[147-18\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 6.6](#)

- 6.7 Resolution:** (1) Authorization to the Executive Director to Exercise the Option, Negotiate and Execute a Change Order to the Agreement with Turner Construction Company for Pre-Construction, Equipment Procurement, and Construction Manager at Risk (CM@R) Service Associated with Terminal Improvement Projects at OAK for an Amount Not to Exceed \$3,000,000 and (2) Authorization for the Executive Director to Execute a Supplemental Agreement with MWA Architects to Provide Design Professional Services for an Amount Not to Exceed \$2,000,000. **(Aviation/Engineering)**

**File ID:** [\[150-18\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 6.7](#)

- 6.8 Ordinance:** Approve and Authorize the Executive Director to Amend (1) the Non-Exclusive Preferential Assignment Agreements (“NEPAAs”) with SSA Terminals (Oakland), LLC for the Oakland International Container Terminal Berths 55-59; (2) the NEPAA with SSA Terminals, LLC for the Matson Terminal Berths 60-63; and (3) the Agreement Regarding Combined Compensation at Berths 55-56 and Berths 57-59 Marine Terminals with SSA Terminals (Oakland), LLC; Resulting in Annual Fixed Rent Ranging from Approximately \$67.6 million to \$74.9 million and Annual Variable Rent Ranging from Approximately \$20.0 million to \$37.2 million for a Term Through June 2032 **(Maritime)**

**File ID:** [\[173-18\]](#)

**Attachments:** [Agenda Report](#)  
[Ordinance Item 6.8](#)

- 6.9 Resolution:** Approve Project Budget of \$1,200,000; Delegate Authority to Approve Plans and Project Manual to the Director of Engineering; and Authorize the Executive Director to Enter into a Contract with O.C. Jones & Sons, Inc. in the amount of \$866,100 for the Embarcadero Road Rehabilitation Project. **(Engineering)**

**File ID:** [\[124-18\]](#)

**Attachments:** [Agenda Report](#)  
[Attachment](#)  
[Resolution Item 6.9](#)

- 6.10 Resolution and Ordinance:** Adoption of a Resolution to Approve the Terms and Conditions of Employment and Certain Benefits as Set Forth in the Memorandum of Understanding between the Port of Oakland and Service Employees International Union, Local 1021 for the period January 1, 2018 through June 30, 2022 (“successor MOU”) and Enactment of An Ordinance to Amend Port Ordinance No. 867 to Set the Salaries and Certain Benefits as set forth in the successor MOU. **(Finance & Admin)**

**File ID:** [\[174-18\]](#)

**Attachments:**    [Agenda Report](#)  
                          [Attachment](#)  
                          [Resolution Item 6.10](#)  
                          [Ordinance Item 6.10](#)

## **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. Please fill out a speaker card and present it to the Secretary of the Board.*

## **ADJOURNMENT**

*The next Regular Meeting of the Board will be held on June 14, 2018.*

## 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.

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### 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 Assistant 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.