



SUPPLEMENTAL BOARD AGENDA

Thursday, December 13, 2018

Board Room – 2nd Floor

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

ROLL CALL

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

1. CLOSED SESSION (12:00 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 REAL PROPERTY NEGOTIATOR - (Pursuant to California Government Code Section 54956.8)

Property: Buildings L118; L130 (Old Hotel); L142 (Original Passenger Terminal); Hangars 1, 2, 230C, 230D, 3 East, 5, 6, 7, 8 and 9

Negotiating Parties: Piedmont Hawthorne Aviation, LLC (aka Signature Flight Support) and Port of Oakland

Agency Negotiator: Brandon J. Mark, Manager of Aviation Properties

Under Negotiation: Fair Market Rental Value (FMRV) Revisions of Multiple Leased Properties

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

File ID: [372-18]

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

Stephen Grimes v. Port of Oakland; WCAB Case Nos. ADJ7816458, ADJ7816476

File ID: [373-18]

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

- Secretary of the Board

File ID: [381-18]

OPEN SESSION/ROLL CALL

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

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 Second Amendment to a Temporary Right of Entry and Construction Access Agreement with the City of Oakland and Zarsion-OHP I LLC for Reconstruction of Embarcadero Bridge to Extend the Term for an Additional Six Months Through June 30, 2019. **(CRE)**

File ID: [\[358-18\]](#)

Attachments: [Agenda Report](#)

[Attachment](#)

[Ordinance Item 2.1](#)

- 2.2 Ordinance 4501,** 2nd Reading Of An Ordinance Authorizing And Approving Extension Of Temporary Rental Agreement With The City Of Oakland For Emergency Vehicle Access Related To The Reconstruction Of The Embarcadero Bridge From January 1, 2019, Through June 30, 2019.

File ID: [\[374-18\]](#)

Attachments: [Ordinance No. 4501](#)

- 2.3 Ordinance 4502**, 2nd Reading Of An Ordinance Authorizing And Approving A First Amendment To The Temporary Rental Agreement With West Oakland Pacific Railroad LLC From January 1, 2019, Through June 30, 2019, With Two Additional 3-Month Extension Options For Rail Switching Services At The Railyard At A Fixed Compensation Of \$5,000 Per Calendar Year Quarter And Variable Compensation Of \$125 Per Rail Car In Excess Of The Breakpoint.

File ID: [\[375-18\]](#)

Attachments: [Ordinance No. 4502](#)

- 2.4 Ordinance 4503**, 2nd Reading Of An Ordinance Authorizing And Approving Extension Of Temporary Rental Agreement With The JLS Oakland Apartments, LLC For Premises Located At The Corner Of Embarcadero West Street And Webster Street For A Monthly Rental Amount Of \$1,530 And Extending The Term From January 1, 2019, Up To December 31, 2019, With The Option To Terminate After Four Months Upon Thirty Days' Notice By Either Party.

File ID: [\[376-18\]](#)

Attachments: [Ordinance No. 4503](#)

- 2.5 Ordinance 4504**, 2nd Reading Of An Ordinance Authorizing And Approving Extension Of Temporary Rental Agreement With Pacific Gas & Electric Company From January 1, 2019, Through October 31, 2019, For Construction Staging On 25,396 Square Feet Of The Premises Located At Livingston Street And Embarcadero Road At A Monthly Rental Rate Of \$6,153.

File ID: [\[377-18\]](#)

Attachments: [Ordinance No. 4504](#)

- 2.6 Ordinance 4505**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into A No-Cost Temporary License Agreement With Alameda County Transportation Commission And Its Selected Contractors From June 1, 2019, Through December 31, 2021, With An Option To Extend For An Additional Six Months, For Construction Activities At The Seaport Associated With The Freight Intelligent Transportation System Program.

File ID: [\[378-18\]](#)

Attachments: [Ordinance No. 4505](#)

- 2.7 Ordinance 4506**, 2nd Reading Of An Ordinance Approving Space/Use Permit With Boingo Wireless, Inc. To Provide Wireless Fidelity Communication And Internet Services At Oakland International Airport For Total Projected Rental Revenue Of \$17,500 In The First Full Year Of Operations (Calendar Year 2019) For A Term Of Five Years From January 1, 2019 Through December 31, 2023.

File ID: [\[379-18\]](#)

Attachments: [Ordinance No. 4506](#)

- 2.8 Ordinance 4507**, 2nd Reading Of An Ordinance Authorizing And Approving The Extension Of Space Assignment Agreements That Have Been In Effect For More Than One Year As Of November 29, 2018, The Extension Of Certain Space Assignment Agreements That Are Likely To Be In Effect For More Than One Year As Of December 31, 2018, And Ratification Of A Lighting/Utility Assessment Applicable To Certain Existing Space Assignment Agreements In The Roundhouse Property And The Outer Harbor Terminal; And Approval Of Such Lighting/Utility Assessment On An Interim Basis For Certain Existing And Future Space Assignment Agreements In The Maritime Area; All Resulting In Annual Revenue Of Approximately \$13.7 Million.

File ID: [\[380-18\]](#)

Attachments: [Ordinance No. 4507](#)

- 2.9 Minutes:** Approval of the Minutes of the Regular Meeting of November 8, 2018. **(Board)**

File ID: [\[371-18\]](#)

Attachments: [November 8, 2018 Minutes](#)

- 2.10 Report:** Annual Change Order Report on Construction Contracts Substantially Completed during FY 17/18. **(Engineering)**

File ID: [\[230-18\]](#)

Attachments: [Report](#)

[Attachment A](#)

[Attachment B](#)

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 Resolution:** Approval to Reimburse the City of Oakland for General Services and Lake Merritt Trust Services Rendered in Fiscal Year 2017-18. **(Finance & Admin)**

File ID: [\[244-18\]](#)

Attachments: [Agenda Report](#)
[Resolution Item 4.1](#)

- 4.2 Report:** Unaudited Financials for 3 months ended September 30, 2018 including Capital Expenditure Report. **(Finance & Admin)**

File ID: [\[246-18\]](#)

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:** Consent to Extend on a Month-to-Month Basis the Existing Lease with KaiserAir, Inc. for the Premises and Facilities, including Hangar 3 West, Hangar 4, and Related Airfield Aircraft Apron and Motor Vehicle Parking Spaces, to Adjust Minimum Rent to Fair Market Rental Value of \$107,546 per Month, and Increase the Security Deposit to \$350,000. **(Aviation)**

File ID: [\[368-18\]](#)

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

- 6.2 Resolution:** Approve the Terms and Conditions of, and Authorize the Executive Director to Execute, a 12-month Extension of the Airport Shuttle Fleet Maintenance Agreement with Kelly's Truck Repair of San Leandro, to December 31, 2019, for an amount not to exceed \$237,180 (including adding COBUS units). **(Aviation)**

File ID: [\[370-18\]](#)

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

- 6.3 Resolution:** (1) Approve project design budget totaling \$520,000 for the Terminal 2 Boiler Replacement Project. (2) Authorize the Executive Director to execute a contract for Construction Manager at Risk (CM@R) preconstruction services with Turner Construction at a total cost not to exceed \$350,000 **(Aviation)**

File ID: [\[367-18\]](#)

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

- 6.4 Ordinance:** Approve and Authorize the Executive Director to Amend the Non-Exclusive Preferential Assignment Agreements, Including Specifically the Amended and Fully Restated Agreement Regarding Combined Compensation at Berths 55-56 and Berths 57-59 Marine Terminals with SSA Terminals (Oakland), LLC, to Modify Reimbursement Terms Associated with Excess Crane Removal Work, Including an Early Reimbursement Not to Exceed \$200,000. **(Maritime)**

File ID: [\[352-18\]](#)

Attachments: [Agenda Report](#)
[Ordinance Item 6.4](#)

- 6.5 Resolution:** Adoption of a Resolution Necessary to Extend the Appointment of Danny Wan as the Acting Executive Director Through February 28, 2019, or Upon Return of the Executive Director, whichever is Earlier, and to Provide Temporary Supplemental Compensation of Six Percent for the Duration of the Temporary Appointment. **(Finance & Admin.)**

File ID: [\[382-18\]](#)

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

- 6.6 Resolution:** Adoption of a Resolution Necessary to Extend the Appointment of Michele Heffes as the Acting Port Attorney through February 28, 2019, or Upon Return of the Port Attorney, whichever is Earlier, and to Provide Temporary Supplemental Compensation of Six Percent for the Duration of the Temporary Appointment. **(Finance & Admin.)**

File ID: [\[383-18\]](#)

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

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 January 24, 2019.

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
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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 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.