



## SUPPLEMENTAL BOARD AGENDA

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Thursday, October 10, 2019

Board Room – 2nd Floor

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***The Public Portion Of The Meeting Will Begin At 3:00 p.m.***

### ROLL CALL

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

### 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**

**File ID:** [303-19]

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

*In re: RUI Holding Corp., et al., Debtors; United States Bankruptcy Court Case No. 19-11509 (Chapter 11).*

**File ID:** [304-19]

- 1.3 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 Port of Oakland

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

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

**File ID:** [305-19]

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

**Title:** Executive Director, Port Attorney

**File ID:** [306-19]

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

**Title:** Former Port Attorney

**File ID:** [307-19]

**OPEN SESSION/ROLL CALL**

*Commissioner Colbruno, Commissioner Lee, Commissioner Martinez, Commissioner Story, 2nd Vice-President Leslie, 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 4534**, 2nd Reading of An Ordinance Authorizing And Approving A Second Amendment To The Lease With Cool Port Oakland DRE, LLC For The Operations Of A Temperature Controlled Logistics Facility To Modify Land Boundaries, Tenant Access, And Other Terms.

**File ID:** [\[309-19\]](#)

**Attachments:** [Ordinance 4534](#)

**2.2 Ordinance 4536**, 2nd Reading of An Ordinance Approving And Authorizing The Executive Director To Enter Into A Lease Amendment With Sea-Logix, LLC For Approximately 5.5 Acres Of Combined Warehouse, Office And Yard Space For A Term Extending Through June 30, 2024.

**File ID:** [\[312-19\]](#)

**Attachments:** [Ordinance 4536](#)

- 2.3 Minutes:** Approval of the Minutes of the Special Meetings of August 14, 2019 and August 21, 2019, the Regular Meetings Minutes of the July 25, 2019 and September 12, 2019. **(Board)**

**File ID:** [\[308-19\]](#)

**Attachments:** [August 14, 2019 Minutes](#)  
[August 21, 2019 Minutes](#)  
[July 25, 2019 Minutes](#)  
[September 12, 2019 Minutes](#)

- 2.4 Report:** Awards of Public Works and Professional Services Contracts by the Executive Director for the Period from July 2019 through September 2019. **(Engineering)**

**File ID:** [\[279-19\]](#)

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

### 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 4535,** 2nd Reading of An Ordinance Approving And Authorizing A Fourth Amendment To The Agreement For Purchase And Sale And Ground Lease Of Real Property And Escrow Instructions To Establish A Standard Form Assignment And Assumption Agreement For The Transfer Of Privately Owned Parcels Location Within The Oak To Ninth District Project Site.

**File ID:** [\[310-19\]](#)

**Attachments:** [Ordinance 4535](#)

- 6.2 Resolution:** For the Terminal 2 Boiler Replacement Project: (1) Approve a Construction Budget of \$4,064,000 for a Not-To-Exceed Total Project Budget of \$4,584,000 (2) Authorize the Executive Director to Amend the International Arrivals Building (IAB) Contract with Turner Construction to Add Construction Manager at Risk (CM@R) Construction Services for a Guaranteed Maximum Price (GMP) Not-to-Exceed \$3,364,000. **(Aviation / Engineering)**

**File ID:** [\[295-19\]](#)

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

- 6.3 Resolution:** Authorization to Award Three On-Call Asbestos and Lead Paint Consulting Services Contracts to ACC Environmental, SCA Environmental, and Millennium Consulting for \$250,000 each, totaling \$750,000, for a three-year Contract Term. **(Engineering)**

**File ID:** [\[272-19\]](#)

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

- 6.4 Resolution:** Approval to Reimburse the City of Oakland for General Services and Lake Merritt Trust Services Rendered in Fiscal Year 2018-19 in the Amount of \$2,549,577. **(Finance & Admin)**

**File ID:** [\[201-19\]](#)

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

## 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 October 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](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  
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### Language & Interpretive Services

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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.