



## PORT OF OAKLAND

### SUPPLEMENTAL BOARD AGENDA

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Thursday, December 12, 2019

Board Room – 2nd Floor

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***The Public Portion Of The Meeting Will Begin At 2:45 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

*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(s):** 4

**File ID:** [372-19]

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

**Property:** All 17 Food & Beverage Concessions Units at Oakland International Airport (approximately 21,000 square feet in locations throughout Terminals 1 and 2), Oakland, CA

**Negotiating Parties:** HFF Oak Venture, LLC; Rylo Management; Soaring Food Group, LLC; and SSP America OAK, LLC and Port of Oakland

**Agency Negotiator:** Bryant L. Francis - Director of Aviation

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

**Property:** One Airport Drive, Oakland, CA

**Negotiating Parties:** Southwest Airlines and Port of Oakland

**Agency Negotiator:** Bryant, Francis, Director of Aviation

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

**Property:** 7th Street, between approximately Maritime Street and I-880, Oakland, CA

**Negotiating Parties:** Alameda County Transportation Commission and Port of Oakland

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

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

**File ID:** [373-19]

**1.3 CONFERENCE WITH LABOR NEGOTIATOR -** (Pursuant to California Government Code Section 54957.6):

**Unrepresented Employee:** Units H & M

**File ID:** [374-19]

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

**Title:** Executive Director

**File ID:** [375-19]

**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.*

*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 Resolution 19-120:** Consent to Change in Control in Ownership and Assignment of a Space/Use Permit to Provide Airline Ground Services and Letter Agreement to Space Use Permit at Oakland International Airport, from the Current Owners of G2 Secure Staff, LLC. to Tenex Capital Partners II, LP. **(Aviation)**

**File ID:** [\[365-19\]](#)

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

- 2.2 Ordinance 4544:** Authorize the Executive Director to Execute an Encroachment Agreement with Union Pacific Railroad Company to Install Radio Frequency Identification Device Equipment and Train Detection Equipment Associated with the Freight Intelligent Transportation System Program on Railroad Property Along Middle Harbor Road. **(Maritime)**

**File ID:** [\[354-19\]](#)

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

- 2.3 Resolution 19-121:** Adoption of a Resolution Necessary to Authorize Modification of Section 4.1 of the Employment Agreement with Danny W. Wan. **(Finance & Admin.)**

**File ID:** [\[379-19\]](#)

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

- 2.4 Resolution 19-122,** Building Permit: for Alameda CTC to Install Intelligent Transportation System Elements, 651 Maritime Street, Maritime Area **(Engineering)**

**File ID:** [\[377-19\]](#)

**Attachments:** [Building Permit 5263](#)  
[Resolution Item 2.4](#)

- 2.5 Resolution 19-123,** Building Permit: for TraPac Improvements at Exit Gate, 2800 7th Street, Maritime **(Engineering)**

**File ID:** [\[376-19\]](#)

**Attachments:** [Building Permit 5258](#)  
[Resolution Item 2.5](#)

- 2.6 Ordinance 4540**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A No-Cost Temporary License Agreement With The San Francisco Bar Pilots For Vehicle Parking And Vessel Access At Berth 34 For A Term Of Three Years.
- File ID:** [\[368-19\]](#)
- Attachments:** [Ordinance 4540](#)
- 2.7 Ordinance 4541**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into A Temporary License Agreement With Alameda County Transportation Commission For Certain Port Lands Located Along 7th Street Near The Intersection Of 7th Street And Maritime Street Providing For Various Activities In Support Of The Construction Of The 7th Street Grade Separation East Project Through December 31, 2024.
- File ID:** [\[369-19\]](#)
- Attachments:** [Ordinance 4541](#)
- 2.8 Ordinance 4542**, 2nd Reading Of An Approving Amendments To And The Restatement Of The By-Laws And Administrative Rules Of The Board Of Port Commissioners And Repealing All Prior Versions Thereof.
- File ID:** [\[370-19\]](#)
- Attachments:** [Ordinance 4542](#)
- 2.9 Ordinance 4543**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Lease With United Food Solutions For The Premises Located At 31 Webster Street And 38 Webster Street, Oakland, For A Ten (10) Year Term With One (1) Option To Extend For An Additional Six (6) Years For A Minimum Rental Amount Of \$1,260,876 Over Ten Years.
- File ID:** [\[371-19\]](#)
- Attachments:** [Ordinance 4543](#)
- 2.10 Minutes:** Approval of the Minutes of the Special Meeting of November 14, 2019. **(Board)**
- File ID:** [\[362-19\]](#)
- Attachments:** [November 14, 2019 Minutes](#)
- 2.11 Report:** Annual Change Order Report on Construction Contracts Substantially Completed during FY 18/19. **(Engineering)**
- File ID:** [\[327-19\]](#)
- 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.*

- 3.1 Ordinance 4545:** Approve an Amendment to Space/Use Permit with each of the Four Food & Beverage Concessionaires Operating at Oakland International Airport; Specifically: HFF OAK Venture, LLC ("HFF"); Rylo Management; Soaring Food Group, LLC; and, SSP America OAK, LLC ("SSP") to Modify each Space/Use Permit including Increasing the Employee Benefits Fee, Extending the Term by Three (3) Months, Add 1,636± Square Feet to SSP's Assigned Space at an Initial Monthly Rent of \$9,648, Augment Methods for Establishing the Square Footage of Each Unit, Formally Incorporate Two Units into the Definition of Assigned Space for HFF and SSP, Confirm Commencement Date for Payments into the Marketing and Mid-Term Refurbishment Funds, Extend the Rent Commencement Dates on a Unit-by-Unit Basis, Authorize the Director of Aviation to approve reimbursement through rent credits for certain Port-required improvements to be constructed by Concessionaires in an amount not to exceed \$100,000 per Unit, Waive the Prohibition of Installing Game and Automated Vending Machines; and Restrict the Use of TSA Prohibited Items in SSP's Peet's Coffee Near Gates 26 and 27 (Unit No. T2-FB-G27). **(Aviation)**

**File ID:** [\[357-19\]](#)

**Attachments:**    [Agenda Report](#)  
                          [Ordinance Item 3.1](#)

- 3.2 Ordinance 4546 and Resolution 19-124:** Approvals and Authorizations for the Airport Perimeter Dike Improvements (Phase 1B) Project: Approve Project Budget and Spending Authority of \$500,000, Authorize the Executive Director to execute the Access License Agreement with the City of San Leandro, and Authorize the Executive Director to execute the Assignment of Easement with Harbor Bay Isle Associates **(Aviation)**

**File ID:** [\[364-19\]](#)

**Attachments:**    [Agenda Report](#)  
                          [Ordinance Item 3.2](#)  
                          [Resolution Item 3.2](#)

### 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 3 months ended September 30, 2019 including Capital Expenditure Report . **(Finance & Admin)**

**File ID:** [\[297-19\]](#)

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

- 4.2 Resolution 19-125:** Authorization to Renew the Owner Controlled Insurance Program ("OCIP") Arranged and Paid Through a Prime Insurance Broker for a Three-Year Term and in an Amount Not to Exceed \$5,900,000 Plus Posting of \$38,000 Escrow and \$387,166 in Collateral (subject to audit adjustment) and Related Actions. **Finance & Admin**

**File ID:** [\[298-19\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 4.2](#)

## 5. STRATEGY & POLICY

*This segment of the meeting is reserved for action or discussion on Strategy and Policy Issues.*

- 5.1 Ordinance:** Approve Amendments to and the Restatement of the Purchasing Authorities and Procedures Ordinance and Repeal All Prior Versions Thereof. **(Port Attorney)**

**File ID:** [\[361-19\]](#)

**Attachments:** [Agenda Report](#)  
[Ordinance Item 5.1](#)

- 5.2 Report:** The Feasibility of Zero-Emissions Drayage Trucks and Feasibility of Related Goals and Metrics. **(Engineering)**

**File ID:** [\[324-19\]](#)

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

- 5.3 Report:** The Feasibility of Zero-Emissions Container Handling Equipment and the Feasibility of Related Goals and Metrics. **(Engineering)**

**File ID:** [\[341-19\]](#)

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

- 5.4 Report:** Maritime Power Capacity Study for Terminal Electrification. **(Engineering)**

**File ID:** [\[353-19\]](#)

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

## 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 Resolution 19-126:** Approve a Construction Budget of \$2,038,000 for a Total Project Budget of \$2,578,000; Authorize the Director of Engineering to Approve the Plans and Project Manual; Authorize the Executive Director to Enter into a Contract with Valentine Corporation for an Amount of \$1,263,369; and Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not-to-Exceed \$253,631 for Construction of Lift Station No. 2 Improvements, Oakland International Airport.

**(Engineering/Aviation)**

**File ID:** [\[346-19\]](#)

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

- 6.2 Resolution 19-127:** Authorizing Executive Director to Enter Into A Purchasing Agreement with Western States Oil International to Procure Unleaded and Renewable Diesel Fuel for an Amount not to exceed \$450,000 annually through the extent of the City of Oakland contract expiring on June 30, 2023. **(Engineering)**

**File ID:** [\[323-19\]](#)

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

- 6.3 Resolution 19-128:** Authorize the Executive Director to Execute a Second Supplemental Agreement With EOA, Inc. for On-Call Environmental Consulting Services for Stormwater Program Compliance to Support the Port's Clean Water Program for An Additional \$98,500 and An Additional One-Year Contract Term **(Engineering)**

**File ID:** [\[342-19\]](#)

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

- 6.4 Resolution 19-129:** Adoption of a Resolution Necessary to Appoint Michele Heffes as the Port Attorney Effective December 12, 2019, at an Annual Salary of \$323,655 Plus Benefits. **(Finance & Admin.)**

**File ID:** [\[378-19\]](#)

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

- 6.5 Ordinance 4547:** Enactment of the Ordinance Necessary to Create the New Classification of Chief Operating Officer ("COO"). **(Finance & Administration)**

**File ID:** [\[380-19\]](#)

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

## **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 23, 2020.*



## 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.