



## PORT OF OAKLAND

### SUPPLEMENTAL BOARD AGENDA

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Thursday, May 14, 2020

Board Room – 2nd Floor

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***The Public Portion Of The Meeting Will Begin At 4:15 p.m.***

#### COVID-19 PUBLIC PARTICIPATION

*You may request to make a public comment by “raising your hand” through Zoom’s video conference or phone feature, as described below. Requests will be received only during the designated times in which to receive such requests and only for eligible Agenda items. Public comments will be subject to the appropriate time limit.*

*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. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions on how to “Raise Your Hand” is available at: <https://support.zoom.us/hc/en-us/articles/205566129> - Raise-Hand-In-Webinar.*

*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. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone.*

*Here is the link to register to participate in the meeting:*

*<https://portoakland.zoom.us/j/95174053287>*

*To join the meeting by Telephone:*

*US: +1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656*

*Webinar ID: 951 7405 3287*

*If asked for a participant ID or code, press #. Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone.*

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

**Property:** Terminal Complex and Related Support Buildings at the South Field located at #1 Airport Drive and Southwest Airlines' Vehicle Maintenance Facility at the North Field, all located at Oakland International Airport

**Negotiating Parties:** Port of Oakland; ~~and~~ Signatory Passenger and Air Cargo Airlines; ~~and Retail, Food & Beverage, Wine Bar, Lounge, Advertising and Rental Car Concessionaires at Oakland International Airport~~

**Agency Negotiator:** Bryant L. Francis, Director of Aviation & Brandon J. Mark, Manager of Aviation Properties

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

**Property:** Various Properties Throughout Commercial Real Estate Division including Jack London Square, the Brooklyn Basin Area and the Embarcadero Road Corridor, the Oakland Airport Business Park, and the Bay Bridge Landing Area

**Negotiating Parties:** Port of Oakland and Various CRE Tenants within Hospitality, Restaurant, Advertising, Utilities, Industrial/Warehouse, and Office Industries

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

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

**Property:** 1 Market Street, Oakland, CA (Howard Terminal)

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

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

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

**Property:** Outer Harbor Terminal Berths 22-24 and Howard Terminal Berths 67-68

**Negotiating Parties:** Port of Oakland and Pacific Layberthing South, LLC

**Agency Negotiator:** Chief Wharfinger, Eric Napralla

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

**File ID:** [\[178-20\]](#)

- 1.2 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): 2 (additional information provided on the Closed Session Report Item 1.1, "Potential Litigation Under California Government Code Section 54956.9 [Two (2) Matters]," attached hereto)**

File ID: [\[177-20\]](#)

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

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

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: [\[179-20\]](#)

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

Title: Port Attorney

File ID: [\[180-20\]](#)

## 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 4557**, 2nd Reading of an Ordinance Amending And Restating The Code Of Conduct For Members Of The Board Of Port Commissioners ("Board") In Port Of Oakland Resolution No. 01397 To Address Social Media And Board Meeting Conduct Issues. (Board)

File ID: [\[183-20\]](#)

Attachments: [Ordinance 4557](#)

- 2.2 Minutes:** Approval of the Minutes of the Regular Meetings of March 26, 2020 and April 9, 2020 . (Board)

File ID: [\[175-20\]](#)

Attachments: [March 26, 2020 Minutes](#)

[April 9, 2020 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:** FY 2021 Operating and Capital Budget Update #2, including Unaudited Financials for 9 Months ended March 31, 2020 **including Capital Expenditure Report. (Finance & Admin)**

File ID: [\[046-20\]](#)

Attachments: [Report](#)

[Unaudited Financials for 9 Months ended March 31, 2020](#)

[FY 2021 Operating and Capital Budget Update #2](#)

### 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 Resolution:** Authorization for the Executive Director to Enter into a Professional Services Contract for External Auditing Services with Macias Gini & O'Connell LLP for the Fiscal Years Ending June 30, 2020 and 2021, with Three (3) Possible One-Year Extensions for Audit Services for Fiscal Years Ending June 30, 2022, 2023 and 2024, for a total not to exceed amount of \$1,482,895. **(Finance & Admin)**

**File ID:** [\[067-20\]](#)

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

- 6.2 Resolution:** Authorize the Executive Director to Enter into Supplemental Agreements with Ray A. Morgan Company for Managed Print Services and Equipment Lease for 3 Years in the Amount Not to Exceed \$362,250. **(Information Technology)**

**File ID:** [\[160-20\]](#)

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

- 6.3 Ordinance:** Enactment of the Ordinance Necessary to Ratify and Set the Annual Salary for the Secretary of the Board to \$185,000 Retroactive to the First Day of the Pay Period Containing January 1, 2020. **(Finance & Admin.)**

**File ID:** [\[176-20\]](#)

**Attachments:** [Agenda Report](#)  
[Ordinance 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. 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 May 28, 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.

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.

Daria Edgerly, Secretary of the Board  
530 Water Street, Oakland, CA 94607  
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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.