



## PORT OF OAKLAND

### SUPPLEMENTAL BOARD AGENDA

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Thursday, October 8, 2020

Board Room – 2nd Floor

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***The Public Portion Of The Meeting Will Begin At 3:15 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. Please unmute your self by pressing \*6. 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/99897355486>*

*To join the meeting by Telephone:*

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

*Webinar ID: 998 9735 5486*

*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 Butner, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, Second Vice-President Lee, First Vice-President Leslie and President Cluver.*

**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): 1** (additional information provided on the Closed Session Agenda Report, "Potential Litigation Under California Government Code Section 54956.9 [one (1) Matter]," attached hereto)

File ID: [\[294-20\]](#)

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

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

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

**Negotiating Parties:** Athletics Investment Group LLC D/B/A The Oakland Athletics and Port of Oakland

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

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

**Property:** All Food & Beverage Concessions Units at Oakland International Airport (approximately 21,000 SF in seventeen locations)

**Negotiating Parties:** High Flying Foods, Rylo Management, Soaring Foods Group and SSP America, and Port of Oakland

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

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

File ID: [\[295-20\]](#)

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

~~Employee Organizations: 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 And Unrepresented Employees: Port Employee Units H/M~~

~~File ID: [\[296-20\]](#)~~

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

**Title:** Executive Director

**File ID:** [\[300-20\]](#)

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

**Title:** Acting Chief Audit Officer

**File ID:** [\[298-20\]](#)

**OPEN SESSION/ROLL CALL**

*Commissioner Butner, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, Second Vice-President Lee, First Vice-President Leslie and President Cluver.*

**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 4572**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute An Other Transaction Agreement Hsts01-15-H-Ckp050 Modification Number P00006 With The United States Of America, Acting Through The Transportation Security Administration, Eliminating Monthly Payment Of \$9,678.90 To The Port Of Oakland For Janitorial Services In The Transportation Security Administration Security Checkpoints At Oakland International Airport.

**File ID:** [\[297-20\]](#)

**Attachments:** [Ordinance 4572](#)

- 2.2 Minutes:** Approval of the Minutes of the Regular Meetings of July 23, 2020 and September 10, 2020. **(Board)**

**File ID:** [\[291-20\]](#)

**Attachments:** [July 23, 2020 Minutes](#)  
[September 10, 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.*

### 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:** Approval of the Third Amendment to Lease with Avis Budget Car Rental, LLC and the Third Amendment to Lease with DTG Operations, Inc. for Use of Property at Oakland International Airport with Anticipated Total Revenues of \$634,800. **(Aviation)**

**File ID:** [\[285-20\]](#)

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

- 6.2 Ordinance:** Approve and Authorize Executive Director to Enter Into a Space/Use Permit with Air Culinaire Worldwide, LLC for a Term of 37 Months for a Minimum Monthly Rent of \$500 or 10% of Gross Revenue, Whichever is Greater, to Provide In-Flight Catering Services at Oakland International Airport. **(Aviation)**

**File ID:** [\[286-20\]](#)

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

- 6.3 Ordinance:** Approval of First Supplemental Agreement to Berth 34 Backland Lease with Everport Terminal Services, Inc., to Extend Term through June 30, 2023; and Approval of Fifth Supplemental Agreement to Berth 35-38 Lease with Everport Terminal Services, Inc., to Address a New Tenant-Owned Crane, Removal of a Port-Owned Crane, Remove Port Obligation to Buy Tenant-Owned Cranes, and Make Other Minor Modifications; Together Resulting in Gross Revenue Loss of \$1.3 Million and Expense of Approximately \$700,000 Through June 30, 2023, which Revenue and Expense are Expected to be Fully Offset by Terms of the Proposed Supplemental Agreements. **(Maritime)**

**File ID:** [\[276-20\]](#)

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

- 6.4 Resolution:** Authorize the Executive Director to Execute a Professional Services Agreement for Federal Consulting and Advocacy Services with Van Scoyoc Associates for up to two (2) years, with two (2) additional one-year extensions permitted at the discretion of the Executive Director, for a Total Amount Not to Exceed \$610,000 over four years (\$12,500 per month, plus \$2,500 per year in incidental and pre-approved expenses). **(Government Affairs)**

**File ID:** [\[287-20\]](#)

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

**8.1 Resolution:** Adopting the Regular Board Meeting Schedule for Calendar Year 2021.  
**(Board)**

**File ID:** [\[293-20\]](#)

**Attachments:**    [2021 Board Calendar](#)  
                              [Resolution Item 8.1](#)

**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 22, 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  
[dedgerly@portoakland.com](mailto:dedgerly@portoakland.com)  
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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.