



PORT OF OAKLAND

SUPPLEMENTAL BOARD AGENDA

Thursday, April 8, 2021

Board Room – 2nd Floor

The Public Portion Of The Meeting Will Begin At 5:30 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 join the meeting:

<https://portoakland.zoomgov.com/j/1602571567>

To join the meeting by Telephone:

US: +1 669 254 5252 or +1 669 216 1590 or +1 646 828 7666 or +1 551 285 1373

Webinar ID: 160 257 1567

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 (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(s): 3 (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: [\[105-21\]](#)

Attachments: [Agenda Report](#)
 [Exhibit A](#)

- 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: The Oakland Athletics and the Port of Oakland

Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate

Under Negotiation: Price and Terms of Payment

Property: Outer Harbor Terminal Berths 23-24

Negotiating Parties: TraPac, LLC and the Port of Oakland

Agency Negotiator: Bryan Brandes, Maritime Director

Under Negotiation: Price and Terms of Payment

Property: Various properties surrounding the Port's existing Inner and Outer Harbor Turning Basins

Negotiating Parties: Various property owners surrounding the Port's existing Inner and Outer Harbor Turning Basins and the Port of Oakland

Agency Negotiator: Bryan Brandes, Maritime Director

Under Negotiation: Price and Terms of Payment

File ID: [\[106-21\]](#)

1.3 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: [\[107-21\]](#)

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

Title: Port Attorney

File ID: [\[108-21\]](#)

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 4593, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Space/Use Permit With Alclear, LLC dba Clear To Provide Registered Traveler Services At Oakland International Airport, For A Term Of Three+ Years (Expiring June 30, 2024) With Anticipated FY2020-21 Revenue Of \$36,000.

File ID: [\[110-21\]](#)

Attachments: [Ordinance 4593](#)

2.2 Ordinance 4594, 2nd Reading Of An Ordinance Amending Port Of Oakland Ordinance No. 867 To Create The New Classification Of Safety And Business Continuity Officer.

File ID: [\[109-21\]](#)

Attachments: [Ordinance 4594](#)

2.3 Minutes: Approval of the Minutes of the Regular Meeting of March 11, 2021. **(Board)**

File ID: [\[104-21\]](#)

Attachments: [March 11, 2021 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.

5.1 Resolution: Approve and Authorize the Executive Director to Enter into a Professional Services Agreement with Kittelson & Associates, Inc. in an Amount Not-to-Exceed \$400,000 for a Long-Term Seaport Transportation and Circulation Study. **(Environmental/Maritime)**

File ID: [\[066-21\]](#)

Attachments: [Agenda Report](#)
[Resolution Item 5.1](#)

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: Approve a First Port of Call (FPOC) Incentive Program for Calendar Year 2021, Providing for an Incentive in the Amount of \$100,000 per FPOC Service and Incremental Annualized Revenue of Approximately \$4.4 Million per PFOC Service **(Maritime)**

File ID: [\[103-21\]](#)

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

- 6.2 Ordinance:** Approve a Grant of Easement to Pacific Gas and Electric Company for the Construction, Access, Repair and Maintenance of Natural Gas Facilities Located in the Berth 24 Through 26 Backlands, to Continue Natural Gas Service to Port Tenants, for No Monetary Consideration. **(Maritime)**

File ID: [\[098-21\]](#)

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

- 6.3 Ordinance:** Approve and Authorize the Executive Director to Execute a Three-Year License & Concession Agreement with Mary Ann Swift, dba Afterguard Sailing Academy, for the Premises Located at 1285 Embarcadero Road, Oakland, at an Initial Annual Rent of \$60,852 **(CRE)**

File ID: [\[100-21\]](#)

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

ADJOURNMENT

The next Regular Meeting of the Board will be held on April 22, 2021.

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
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.

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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.