



PORT OF OAKLAND

SUPPLEMENTAL BOARD AGENDA

Thursday, April 22, 2021

Board Room – 2nd Floor

The Public Portion Of The Meeting Will Begin At 3:30 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/1606430057>

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: 160 643 0057

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): 2 (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: [\[132-21\]](#)

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

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

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: 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

File ID: [\[133-21\]](#)

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

Title: Executive Director

File ID: [\[134-21\]](#)

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 Resolution:** Consent to Assignment of two Lease and Option to Lease Agreements at Oakland International Airport, from Piedmont Hawthorne Aviation, LLC to Signature Flight Support, LLC. **(Aviation)**

File ID: [\[114-21\]](#)

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

- 2.2 Ordinance:** Adoption of an Ordinance Approving an Amendment to Extend the Space/Use Permit with Civil Air Patrol Operating at Oakland International Airport for One Year to June 30, 2022, with Annual Consideration of \$1. **(Aviation)**

File ID: [\[113-21\]](#)

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

- 2.3 Resolution:** Authorization to Award the Removal and Disposal of Hazardous Waste, Universal Waste, and other Contaminated Materials Contract to Patriot Environmental Services for \$1,200,000 for the Period Commencing July 1, 2021 and Ending June 30, 2022, 2023, or 2024. **(Environmental Programs & Planning)**

File ID: [\[101-21\]](#)

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

- 2.4 Resolution:** Authorization to Award the Performing Emergency Spill Response or Emergency Repairs in a Hazardous Environment Contract to Patriot Environmental Services for \$450,000 for the Period Commencing July 1, 2021 and Ending June 30, 2022, 2023, or 2024. **(Environmental Programs & Planning)**

File ID: [\[102-21\]](#)

Attachments: [Agenda Report](#)
[Resolution Item 2.4](#)

- 2.5 Ordinance 4595**, 2nd Reading Of An Ordinance Approving And Authorizing A Grant Of Easement To Pacific Gas And Electric Company For Access, Repair, And Maintenance Of Natural Gas Facilities Located In The Berth 24 Through Berth 26 Backlands, To Continue To Provide Natural Gas Service To Port Of Oakland Tenants, For No Monetary Consideration For Sixty-Six Years.

File ID: [\[130-21\]](#)

Attachments: [Ordinance 4595](#)

- 2.6 Ordinance 4596**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A License And Concession Agreement With Mary Ann Swift, dba Afterguard Sailing Academy, For An Initial Annual Rent Of \$60,852 For Premises Located At 1285 Embarcadero Road, Oakland.

File ID: [\[131-21\]](#)

Attachments: [Ordinance 4596](#)

- 2.7 Minutes:** Approval of the Minutes of the Regular Meeting of March 25, 2021. **(Board)**

File ID: [\[129-21\]](#)

Attachments: [March 25, 2021 Minutes](#)

- 2.8 Report:** Single Audit, Passenger Facility Charges and Customer Facility Charges Reports for the Year Ended June 30, 2020. **(Finance & Admin)**

File ID: [\[048-21\]](#)

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

- 2.9 Report:** Report of Appointments, Separations and Leaves of Absence for FY 2020-21, 3rd Quarter (January 1, 2021 - March 31, 2021). **(Finance & Admin)**

File ID: [\[122-21\]](#)

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.

4.1 Report: Unaudited Financials for 8 months ended February 28, 2021. **(Finance & Admin)**

File ID: [\[121-21\]](#)

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

5. STRATEGY & POLICY

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

5.1 Report: Changes to Tariff 2-A Proposed to be Effective July 1, 2021. **(Maritime)**

File ID: [\[116-21\]](#)

Attachments: [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 Ordinance: Approve the Terms and Conditions of an Amended and Restated Space/Use Permit with each of the Four Food & Beverage Concessionaires Operating at Oakland International Airport; Specifically: HFF OAK Venture, LLC; Rylo Management; Soaring Food Group II, LLC; and, SSP America OAK, LLC to Modify each Existing Space/Use Permit ("SUP") including: (1) Adopting Construction Schedules and Commencement of Payment of Minimum Annual Guarantee based on the Percentage of Enplaned Passengers Compared to CY2019; (2) Extending the Term of Each SUP through March 31, 2033 plus Two One-Year Options for the Port to Extend (Latest Expiration of March 31, 2035); (3) Adjusting the Calculation of Minimum Annual Guarantee; (4) Adding a New 15% Tier for Food Sales to the Percentage of Gross Revenues Calculation Effective January 1, 2026; (5) Setting the Date for Contributions to the Marketing Fund; (6) Adjusting and Setting the Date for Contributions to the Mid-Term Refurbishment Fund; (7) Deleting On Unit from the Definition of Assigned Space with HFF OAK Venture, LLC; (8) Authorizing the Executive Director to Approve a Change of Concept; and (9) Authorizing the Executive Director to Execute each Amended and Restated Space/Use Permit and Any Other Documents Necessary to Effect These Modifications; all for the Food & Beverage Concessions Program at Oakland International Airport. **(Aviation)**

File ID: [\[128-21\]](#)

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

- 6.2 Resolution:** Authority to Renew Port of Oakland Insurance Policies Arranged and Paid Through Prime Insurance Brokers Described Herein in an Amount Not to Exceed \$5,707,000. **(Finance & Admin)**

File ID: [\[123-21\]](#)

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

- 6.3 Resolution:** Authorize the Executive Director to Supplement the Agreement with Elation Systems, Inc. to Add an Additional One Year Option Term, and Increase the Not to Exceed Amount by \$56,500 for a total not to exceed amount of \$267,500 for the Web-Based Labor Compliance/Workforce Tracking System and Living Wage Compliance System **(Social Responsibility Division)**

File ID: [\[084-21\]](#)

Attachments: [Agenda Report](#)
 [Resolution 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 May 13, 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.