



SUPPLEMENTAL BOARD AGENDA

Thursday, October 14, 2021

Board Room – 2nd Floor

The Public Portion Of The Meeting Will Begin At 5:00 p.m.

COVID-19 PUBLIC PARTICIPATION

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 join the meeting:

<https://portoakland.zoomgov.com/j/1619597714>

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: 161 959 7714

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): 4 (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: [\[314-21\]](#)

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 20-21

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

Agency Negotiator: Bryan Brandes, Director of Maritime and Eric Napralla, Chief Wharfinger

Under Negotiation: Price and Terms of Payment

File ID: [\[315-21\]](#)

- 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: [\[316-21\]](#)

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

Title: Port Attorney

File ID: [\[320-21\]](#)

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:** Approval of the Amendment No. 3 to Conduit Use Agreement with Level 3 Telecom of California, L.P., for a Term of Three Years with Two Additional One-Year Extension Options, to Commence on December 1, 2021, for Operations at Oakland International Airport with Anticipated Total Revenues of \$16,236 in Fiscal Year 2021-22. (Aviation)

File ID: [\[280-21\]](#)

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

- 2.2 Ordinance 4615,** 2nd Reading Of An Ordinance Authorizing An Access Agreement With The City Of Oakland (“City”) For The Port Of Oakland (“Port”) To Access, Operate, And Maintain Port Utility Infrastructure Located On City Of Oakland Property.

File ID: [\[308-21\]](#)

Attachments: [Ordinance 4615](#)

- 2.3 Ordinance 4616**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute An Amendment Rider To An Existing Right Of Way Contract With The State Of California Department Of Transportation And The East Bay Municipal Utility District For The Premises Located At Embarcadero Near 5th Avenue In Oakland To Extend The Term For Eighteen (18) Months Commencing On July 14, 2022, For A Fee Of \$9,900.

File ID: [\[309-21\]](#)

Attachments: [Ordinance 4616](#)

- 2.4 Ordinance 4617**, 2nd Reading Of An Ordinance Approving An Amendment To Airline Operating Agreement Each With Nineteen Passenger And Cargo Airlines And An Amendment To Space/Use Permit With Nine Of Those Passenger Airlines Serving Oakland International Airport, For A Term Of Five Years And Generating Anticipated Revenues Of Approximately \$128 Million In FY 2021-22.

File ID: [\[310-21\]](#)

Attachments: [Ordinance 4617](#)

- 2.5 Ordinance 4618**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into A Ninth Supplemental Agreement With BNSF Railway Company At The Joint Intermodal Terminal To Extend The Term Through December 31, 2024, Modify Certain Compensation Resulting In \$3,800,000 Of Additional Fixed Revenue, And Modify Certain Deferred Maintenance Obligations.

File ID: [\[311-21\]](#)

Attachments: [Ordinance 4618](#)

- 2.6 Ordinance 4619**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Lease With Unicold Corporation For Approximately 3.6 Acres Of Combined Warehouse, Office, And Yard Space For A Term Expiring On June 30, 2039, Resulting In Average Annual Revenue Of Approximately \$1,100,000, With One Five-Year Option To Extend The Term Of The Lease.

File ID: [\[323-21\]](#)

Attachments: [Ordinance 4619](#)

- 2.7 Minutes:** Approval of the Minutes of the Regular Meeting of September 16, 2021. **(Board)**

File ID: [\[322-21\]](#)

Attachments: [September 16, 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.

4.1 Report: Fiscal Year 2021 Financial Highlights. **(Fin & Admin)**

File ID: [\[247-21\]](#)

Attachments: [Report](#)

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: Authorize Executive Director to Dispense with Standard Bidding Procedures and Enter into a Sole Source Professional Services Agreement with Wood Rodgers for a Not-to-Exceed Amount of \$270,000 for Design Consulting Services for the Installation of a Trash Capture Device at Oakland International Airport. **(Aviation/Engineering)**

File ID: [\[296-21\]](#)

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

6.2 Ordinance: Approve and Authorize the Executive Director to Execute a Fourth Amendment to Lease with GSC Logistics, Inc. ("GSC") for Premises Located on the 5th Floor of 530 Water Street, Oakland, to Extend the Term Through June 30, 2025, Expand their Premises at the Same Location by an Additional Approximately 5,560 Square Feet, and Terminate the Temporary Rental Agreement for this Expansion Premises **(CRE)**

File ID: [\[298-21\]](#)

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

- 6.3 Resolution:** Authorization to Enter into Contracts with A-1 Modular, Fisher Development, SilMan Venture Corporation dba SilMan Industries, and Angotti & Reilly for On-Call General Building Contractor Services in an Aggregate Amount Not-to-Exceed \$5,000,000 and with Redgwick Construction, A. Teichert & Son dba Teichert Construction, Gallagher & Burk, McGuire and Hester, and O.C. Jones & Sons for On-Call Paving and Grading and Associated General Building Contractor Services in an Aggregate Amount Not-to-Exceed \$12,000,000 for the Period Commencing November 1, 2021 and Ending October 31, 2022, 2023, or 2024. **(Operations Office)**

File ID: [\[266-21\]](#)

Attachments: [Agenda Resort](#)
 [Resolution Item 6.3](#)
 [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 October 28, 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.