



SUPPLEMENTAL BOARD AGENDA

Thursday, December 2, 2021

Board Room – 2nd Floor

The Public Portion Of The Meeting Will Begin At 4:30 p.m.

HYBRID PUBLIC PARTICIPATION

IN-PERSON PARTICIPATION RULES

Members of the public who wish to participate in public Board meetings in-person must abide by all applicable laws, rules, and regulations, including, for example, any orders by Public Health Officer of the State of California and the Health Officer of the County of Alameda. Currently, Health Officer Order No. 21-03 requires that all persons wear face coverings when indoors, which requirement applies to persons attending Board meetings.

ADDITIONAL PUBLIC PARTICIPATION OPTIONS

In addition to being able to participate in this meeting in person under the normal rules for public participation, you may also provide comments in one of the following ways:

- 1. By Zoom video conference by clicking 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).*
- 2. By phone through Zoom by calling 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 yourself 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/1619410414>

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: 161 941 0414

If asked for a participant ID or code, press #.

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 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: Various Properties In or Around the Former Oakland Army Base

Negotiating Parties: Various Property Owners and Tenants In or Around the Former Oakland Army Base and the Port of Oakland

Agency Negotiator: Bryan Brandes, Director of Maritime

Under Negotiation: Price and Terms of Payment

Property: Outer Harbor Terminal Berths 20-22

Negotiating Parties: Eagle Rock Aggregates, Inc. and the Port of Oakland

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

Under Negotiation: Price and Terms of Payment

Property: 1300 Maritime Street, Oakland, CA

Negotiating Parties: Port of Oakland and Centerpoint-Oakland Development I, LLC and the Port of Oakland

Agency Negotiator: Bryan Brandes, Director of Maritime

Under Negotiation: Price and Terms of Payment

File ID: [\[381-21\]](#)

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

File ID: [\[380-21\]](#)

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

- 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: [\[382-21\]](#)

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

Title: Port Attorney

File ID: [\[383-21\]](#)

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 4626**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Extend A No-Cost Temporary License Agreement With Alameda County Transportation Commission From December 31, 2021 To December 31, 2022, With A Possible Extension Through June 30, 2023, For Construction-Related Activities Associated With The Freight Intelligent Transportation System Project. **(Board)**

File ID: [\[376-21\]](#)

Attachments: [Ordinance 4626](#)

- 2.2 Ordinance 4627**, 2nd Reading Of An Ordinance Approving The Following Agreements With Everport Terminal Services, Inc.: (1) A Second Supplemental Agreement To The Non-Exclusive Preferential Assignment Agreement ("NEPAA") For The Berth 34 Backlands; And (2) A Sixth Supplemental Agreement To A Separate NEPAA For Berths 35 Through 38 To Extend The Deadline To Demolish Crane X-437, Correct Errors In Compensation Terms, And Allow Noticing By Electronic Communications. **(Board)**

File ID: [\[377-21\]](#)

Attachments: [Ordinance 4627](#)

- 2.3 Ordinance 4628**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute An Eighth Supplemental Agreement Of Lease With Scott's Jack London Seafood, Inc. For Premises Located At 2 Broadway, Oakland, To Abate The Deferred Rent In Fiscal Year 2021 Under The Commercial Real Estate Temporary Restaurant Rent Abatement And Deferral Program In An Amount Totaling \$183,902.03. **(Board)**

File ID: [\[378-21\]](#)

Attachments: [Ordinance 4628](#)

- 2.4 Ordinance 4629**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute Lease Amendment No. 7 With Yoshi's Japanese Restaurant, Inc. For Premises Located At 510 Embarcadero West, Oakland, To Abate The Deferred Rent In Fiscal Year 2021 Under The Commercial Real Estate Temporary Restaurant Rent Abatement And Deferral Program In An Amount Totaling \$455,416.67. **(Board)**

File ID: [\[379-21\]](#)

Attachments: [Ordinance 4629](#)

- 2.5 Minutes:** Approval of the Minutes of the Regular Meeting of October 28, 2021. **(Board)**

File ID: [\[385-21\]](#)

Attachments: [October 28, 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:** Unaudited Financials for 3 months ended September 30, 2021 including Capital Expenditure Report. **(Finance & Admin)**

File ID: [\[344-21\]](#)

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

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:** Approve and Authorize the Executive Director to Execute a Quitclaim Deed for a Grant of Access Easement That Grants the Port Access to Port Parcels 15A and I-2 Along and Adjacent to Former Wake Avenue (Quitclaim Deed (Wake Avenue)), on the Former Oakland Army Base **(Maritime)**

File ID: [\[339-21\]](#)

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

- 6.2 Resolution:** Approve and Authorize the Executive Director to Execute an Agreement with ZDEVCO for the Management and Maintenance of the Drayage Truck Registry & Truck Management System Database for a Term of Two (2) Years with Three (3), 1-Year Options to Extend, in a Total Aggregate Amount Not to Exceed \$1,895,000 **(Maritime)**

File ID: [\[357-21\]](#)

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

- 6.3 Resolution:** Authorization to Renew the Expiring Port of Oakland Owner Protective Professional Indemnity (“OPPI”) Insurance, Arranged and Paid Through a Prime Insurance Broker for a Five-Year Term and in an Amount Not to Exceed \$800,000. **(Finance & Admin)**

File ID: [\[345-21\]](#)

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 December 16, 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.

Daria Edgerly, Secretary of the Board
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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.