



SUPPLEMENTAL BOARD AGENDA

Thursday, December 16, 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/1605436870>

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: 160 543 6870

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: Seven Food & Beverage Concessions Units located throughout the Terminal Complex at Oakland International Airport

Negotiating Parties: SSP America OAK, LLC and the Port of Oakland

Agency Negotiator: Bryant L. Francis, Director of Aviation; Nyika Allen, Assistant Director of Aviation; Brandon J. Mark, Manager of Aviation Properties

Under Negotiation: Price and Terms of Payment

Property: 1300 Maritime Street, Oakland, CA

Negotiating Parties: 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: [\[391-21\]](#)

- 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: [\[390-21\]](#)

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: [\[392-21\]](#)

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

Title: Chief Audit Officer

File ID: [\[393-21\]](#)

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:** Approve and Authorize the Executive Director to Renew or Modify Certain Employee Health and Welfare Benefit Plan Contracts With Various Providers Approved Under Joint Powers Agreement with the Public Risk Innovation, Solutions, and Management Excess Insurance Authority, for Five Years, Ending December 31, 2026, in an Amount Not to Exceed 10% Annual Increases Over the Previous Year's Contract Rate **(Finance & Admin.)**

File ID: [\[389-21\]](#)

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

- 2.2 Ordinance 4630,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Quitclaim Deed For A Grant Of Access Easement That Grants The Port Of Oakland ("Port") Access To Port Parcels 15a And I-2 Along And Adjacent To Former Wake Avenue On The Former Oakland Army Base.

File ID: [\[394-21\]](#)

Attachments: [Ordinance 4630](#)

- 2.3 Minutes:** Approval of the Minutes of the Special Meeting of November 4, 2021 and the Regular Meeting of November 18, 2021. **(Board)**

File ID: [\[395-21\]](#)

Attachments: [November 4, 2021 Minutes](#)
[November 18, 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 Report:** Proposed Adoption of Port of Oakland Administrative Code. **(Port Attorney)**

File ID: [\[388-21\]](#)

Attachments: [Report](#)

- 5.2 **Report:** Results from 2020 Emissions Inventory, and Achieving Goals Established in 2009 Maritime Air Quality Improvement Plan. **(Environmental)**

File ID: [\[359-21\]](#)

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

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 and Authorize the Executive Director to Enter into a Professional Services Agreement with Electronic Data, Inc. (EDI) to Implement an Enterprise Asset Management System at the Port of Oakland for a Term of Five Years with Two, One-Year Extension Options, for a Total Cost Not to Exceed \$2,979,189. **(Aviation)**

File ID: [\[373-21\]](#)

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

- 6.2 **Resolution:** Approve the Renewal and Amendment of Air Service Incentive Program Available to All Airlines Serving Oakland International Airport for Three Additional Years Until December 31, 2024 and Authorize the Executive Director to execute the Cooperative Advertising Agreements and any other documents to implement the Air Service Incentive Program. **(Aviation)**

File ID: [\[387-21\]](#)

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

- 6.3 **Resolution:** Approve and Authorize the Executive Director to Waive Formal Competitive Bidding Procedures and Enter into a Single Source Professional Services Agreement with MCM Engineering, Inc. for a Not-To-Exceed Amount of \$800,000 for the procurement and installation of 400 Hertz Replacement Ground Power Electrical Generators at Oakland International Airport. Authorize an Additional Contingency Amount Not-to Exceed of \$120,000 (20%). **(Aviation)**

File ID: [\[384-21\]](#)

Attachments: [Agenda Report](#)
[Resolution Item 6.3](#)

- 6.4 Ordinance:** Approval of a Non-Exclusive Preferential Assignment Agreement with Eagle Rock Aggregates, Inc., for a Bulk Marine Terminal Comprising Approximately 18 Acres of Land and 3 Acres of Water at Berths 20-22, Providing for an Initial Term of 12 Years During Which Annual Fixed (Minimum) Rent Increases from Approximately \$0.7 Million to \$6.2 Million; Two Options to Extend the Term up to an Additional 15 Years to a Maximum of 27 Years; and Approximately \$13.0 Million of Port of Oakland Expenditures to Implement Certain Improvements and Environmental Measures During the Initial Term. **(Maritime)**

Resolution: Certification of the Supplemental Environmental Impact Report (SEIR) for the Eagle Rock Aggregates, Inc., Oakland Terminal Project. Adoption of California Environmental Quality Act (CEQA) Findings, Statement of Overriding Considerations, and a Mitigation and Monitoring and Reporting Program (MMRP). **(Maritime)**

File ID: [\[375-21\]](#)

Attachments: [Agenda Report](#)
[Ordinance Item 6.4](#)
[Resolution Item 6.4](#)

- 6.5 Resolution:** Approve and Authorize the Executive Director to Execute a Professional Services Agreement with AECOM Technical Services, Inc. to Provide On-Call Per- and Polyfluoroalkyl Substances Consulting Services for Five Years in the Amount not-to-Exceed \$500,000 **(Environmental)**

File ID: [\[374-21\]](#)

Attachments: [Agenda Report](#)
[Resolution Item 6.5](#)

- 6.6 Resolution:** Authorization for the Executive Director to Execute an Amendment to the Purchase Order with Labor Finders to Increase the Total Authorized Contract Amount by \$150,000 for a Revised Total Authorized Contract Amount of \$300,000 for the existing contract term expiring June 30, 2022. **(Finance & Admin.)**

File ID: [\[398-21\]](#)

Attachments: [Agenda Report](#)
[Resolution Item 6.6](#)

- 6.7 Resolution:** Adoption of a Resolution to Approve and Authorize the President of the Board of Port Commissioners (“Board”) to Execute an “Agreement for Temporary Employment as a Retired Annuitant” with Michele Heffes and to Certify that: Ms. Heffes has Specialized Skills Needed in Performing Work of a Limited Duration to fill a Critically Needed Position; Ms. Heffes has Not Accepted Any Retirement Related Incentive and that Ms. Heffes will Not receive Any Other Benefit, Incentive, Compensation in Lieu of Benefit, or Other Form of Compensation in Addition to Her Hourly Pay Rate; and, Ms. Heffes’s Hourly Rate will be \$128.48. **(Finance & Admin.)**

File ID: [\[397-21\]](#)

Attachments: [Agenda Report](#)
[Exhibit A](#)
[Resolution Item 6.7](#)

- 6.8 Resolution:** Adoption of a Resolution Necessary to Appoint Mary Richardson as the Port Attorney Effective December 31, 2021 at an Annual Salary of \$320,000 Plus Benefits. **(Finance & Admin.)**

File ID: [\[396-21\]](#)

Attachments: [Agenda Report](#)
[Resolution Item 6.8](#)

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 January 27, 2022.

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.