



## PORT OF OAKLAND

### SUPPLEMENTAL BOARD AGENDA

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Thursday, December 17, 2020

Board Room – 2nd Floor

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***The Public Portion Of The Meeting Will Begin At 3:00 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 participate in the meeting:*

*<https://portoakland.zoom.us/j/91607951728>*

*To join the meeting by Telephone:*

*US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799*

*Webinar ID: 916 0795 1728*

*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 (11:00 a.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) Matters]," attached hereto)**

File ID: [\[377-20\]](#)

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:** 0.4 acre of land on the Former Oakland Army Base known as the "Notch" located at 2000 Maritime Street, Oakland, CA 94607

**Negotiating Parties:** City of Oakland and Prologis Mesquite, LLC and the Port of Oakland

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

**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:** Berth 9, Port of Oakland, Oakland, CA

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

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

**Under Negotiation:** Price and Terms of Payment

**File ID:** [\[378-20\]](#)

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

**Title:** Chief Audit Officer

**File ID:** [\[379-20\]](#)

**1.4 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:** [\[387-20\]](#)

**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:** Building Permit for Customs and Border Patrol Upgrades to Exit Gate at Everport Terminal. **(Maritime)**

**File ID:** [\[357-20\]](#)

**Attachments:** [Permit 5310](#)  
[Resolution Item 2.1](#)

- 2.2 Resolution:** Building Permit for Customs and Border Patrol Upgrades to Exit Gate at Trapac Terminal. **(Maritime)**

**File ID:** [\[358-20\]](#)

**Attachments:** [Permit 5311](#)  
[Resolution Item 2.2](#)

- 2.3 Resolution:** Building Permit for Customs and Border Patrol Upgrades to Exit Gate at SSA/OICT Terminal. **(Maritime)**

**File ID:** [\[359-20\]](#)

**Attachments:** [Permit 5312](#)  
[Resolution Item 2.3](#)

- 2.4 Resolution:** Authorize the Executive Director to Enter into a Contract with ~~[To Be Determined]~~ McGuire and Hester in an Amount Not-To-Exceed ~~[To Be Determined]~~ \$1,063,540 For the Berth 57, 58, 59 Sanitary Sewer Lift Station Rehabilitation Project and Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not-to-Exceed ~~[To Be Determined]~~ \$160,000. **(Engineering/Maritime)**

**File ID:** [\[365-20\]](#)

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

- 2.5 Resolution:** Authorize the Executive Director to Enter into a Contract with Haley and Aldrich, Inc. in an Amount Not-To-Exceed \$1,137,500 For Professional Services Support for Berth Maintenance Dredging for Three Years **(Engineering/Maritime)**

**File ID:** [\[368-20\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 2.5](#)

- 2.6 Resolution:** Authorize the Executive Director to Enter into a Contract with Moffat and Nichol in an Amount Not-To-Exceed \$1,020,500 For Design and Construction Support Services for the Berths 55-59 Wharf Upgrades Project **(Engineering/Maritime)**

**File ID:** [\[369-20\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 2.6](#)

- 2.7 Resolution:** Authorize the Executive Director to Enter into a Contract with Power Engineering Construction Company in an Amount Not-to-Exceed \$921,750 for the Demolition and Removal of Port of Oakland Cranes X402, X403, and X404 At Berths 20 And 21 Project [Re-Bid] and Authorize the Executive Director to Execute Change Orders to the Extent Necessary in an Amount Not-To-Exceed \$200,000. **(Engineering/Maritime)**

**File ID:** [\[366-20\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 2.7](#)

- 2.8 Resolution:** Authorize the Executive Director to Enter into a Contract with ~~[To Be Determined]~~ Bay Construction Co. in an Amount Not-To-Exceed ~~[\$To Be Determined]~~ \$1,593,410 For the Sanitary Sewer Rehabilitation Outer Harbor Berths 20-24 Project [Re-Bid] and Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not-to-Exceed ~~[\$To Be Determined]~~ \$240,000. **(Engineering/Maritime)**

**File ID:** [\[364-20\]](#)

**Attachments:** [Supplemental Agenda Report](#)  
[Resolution Item 2.8](#)

- 2.9 Resolution:** Authorization to Execute a Letter Agreement with the City of Oakland for Reformation and Maintenance Costs Related to Community Facilities District No. 2015-1, for an Amount Not to Exceed \$152,281.73 for Fiscal Years 2019-20 and 2020-21. **(Maritime)**

**File ID:** [\[376-20\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 2.9](#)

- 2.10 Resolution:** Adoption of Renewable Energy Resource Procurement Plan and Adoption of Program for Enforcement of the Renewable Portfolio Standards Program. **(Executive Office)**

**File ID:** [\[324-20\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 2.10](#)

- 2.11 Ordinance 4581,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A License And Concession Agreement With Oakland Digital Arts And Literacy Center, Inc., DBA Bridgegood, For A Five-Year Term Commencing January 1, 2021, Through December 31, 2025, With A Three-Year Mutually Agreed Upon Option For 2,600 Square Feet Of Premises At 95 Washington Street, Oakland, California With An Initial Monthly Rent Of \$2,700, And A Monthly Common Area Expense Reimbursement Of \$800.

**File ID:** [\[380-20\]](#)

**Attachments:** [Ordinance 4581](#)

- 2.12 Minutes:** Approval of the Minutes of the Regular Meeting of November 19, 2020. **(Board)**

**File ID:** [\[381-20\]](#)

**Attachments:** [November 19, 2020 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:** Seaport Air Quality 2020 and Beyond Plan Mid-Year Progress Report (**Maritime**)

**File ID:** [\[375-20\]](#)

**Attachments:** [Report](#)  
[Attachment A](#)  
[Attachment B](#)  
[Attachment C](#)

#### 5.2 **Resolution:** Amendment to Port Resolutions No. 19-41 (June 13, 2019) to 1) remove Requirement for a Year 2019 Emissions Inventory for Ocean-Going Vessels, Tugs and Rail and 2) Update the 2020 and Beyond Plan Intermediate-Term Equipment and Infrastructure Goal I-2 to Accelerate the Zero-Emissions Truck Deployment to 17 Zero-Emissions Drayage Trucks by 2021. (**Environmental Programs & Planning**)

**File ID:** [\[383-20\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 5.2](#)

#### 5.3 **Resolution:** Approve and Authorize the Executive Director to Extend the Maritime and Aviation Project Labor Agreement (MAPLA) with the Building and Construction Trades Council of Alameda County, AFL-CIO for Five Years (**SRD**)

**File ID:** [\[382-20\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 5.3](#)

### 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 the Executive Director to Extend the Term of the Management Agreement with ABM Industry Groups, LLC, dba ABM Parking Services, for the Seaport Truck Parking/Container Depot by a Period of 89 Days, through April 30, 2021 at an Estimated Cost of \$975,000 and Estimated Net Revenue of \$825,000. **(Maritime)**

**File ID:** [\[371-20\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution item 6.1](#)

- 6.2 Ordinance:** Approve and Authorize the Executive Director to Execute a Lease with Pacific Layberthing South, LLC, for Water and Land Area at Berth 9, for a Maximum Term of 10.5 Years, Resulting in Average Annual Revenue of Approximately \$521,288 **(Maritime)**

**File ID:** [\[374-20\]](#)

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

## 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. Please fill out a speaker card and present it to the Secretary of the Board.*

## ADJOURNMENT

*The next Regular Meeting of the Board will be held on January 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](http://www.portoakland.com)

To receive Port Agendas and Agenda Related Materials by email, please email your request to: [dedgerly@portoakland.com](mailto: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](mailto: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.