



SUPPLEMENTAL BOARD AGENDA

Thursday, February 25, 2021

Board Room – 2nd Floor

The Public Portion Of The Meeting Will Begin At 4:00 p.m.

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.zoomgov.com/j/1612087919>

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: 161 208 7919

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.

COVID-19 PUBLIC PARTICIPATION**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): 3 (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: [\[049-21\]](#)

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: All Food & Beverage Concessions Units at Oakland International Airport (approximately 21,000 SF in seventeen locations)

Negotiating Parties: High Flying Foods, Rylo Management, Soaring Foods Group, SSP America, and the Port of Oakland

Agency Negotiator: Bryant L. Francis, Director of Aviation and Brandon Mark, Manager of Aviation Properties

Under Negotiation: Price and Terms of Payment

File ID: [\[050-21\]](#)

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

Title: Secretary of the Board

File ID: [\[052-21\]](#)

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 4586**, 2nd Reading Of An Ordinance Amending Port Of Oakland Ordinance No. 4566 That Adopted The Fiscal Year 2020-21 Airline Landing Fee Rates, Terminal Space Rental Rates And Other Fees That Would Increase The Terminal 1 Baggage Claim Facility Usage Fee To Avoid A Revenue Shortfall In That Account At Oakland International Airport.

File ID: [\[057-21\]](#)

Attachments: [Ordinance 4586](#)

- 2.2 Ordinance 4587**, 2nd Reading Of An Ordinance Adopting A Labor Peace Rule For Certain Operational Services Agreements Executed Pursuant To A Request For Proposal.

File ID: [\[058-21\]](#)

Attachments: [Ordinance 4587](#)

- 2.3 Ordinance 4588**, 2nd Reading Of An Ordinance Approving The Extension Of The Term Of Three Short-Term Properties Agreements As Follows: (1) Amendment No.1 To Temporary Rental Agreement With Charles Pankow Builders, Ltd.; (2) Amendment No.1 To Temporary Rental Agreement With Western Construction, Inc.; And (3) Amendment No.1 To Temporary License Agreement With Level 5 Builders, Inc., All For Two Years From January 1, 2021, Through December 31, 2022, With Revised Rent Terms And Total Annual Revenue Of \$8,400 For Premises At Oakland International Airport.

File ID: [\[059-21\]](#)

Attachments: [Ordinance 4588](#)

- 2.4 Ordinance 4589**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Lease With Pacific Layberthing South, LLC For Water And Land Area At Berth 68 (Howard Terminal), For A Maximum Term Expiring On October 31, 2024, And Subject To The Port Of Oakland's Six-Month Termination And Relocation Right, Resulting In Average Annual Revenue Of Approximately \$476,000 And One-Time Reimbursement To Pacific Layberthing South, LLC Of Up To \$120,768.

File ID: [\[061-21\]](#)

Attachments: [Ordinance 4589](#)

- 2.5 Ordinance 4590**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Amend A Property Rental Agreement With Oakland Clay Partners, LLC For Property Located On Clay Street Between Water Street And Embarcadero, Oakland, To Assign The Agreement To Oakland Clay Street Partners, LLC And Amend Provisions For Future Assignments.

File ID: [\[060-21\]](#)

Attachments: [Ordinance 4590](#)

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

File ID: [\[056-21\]](#)

Attachments: [January 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.

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 an Amendment to Space/Use Permit to Delete One Food & Beverage Concession Unit from the Definition of Assigned Space in the Space/Use Permit with HFF OAK Venture, LLC and Simultaneously Enter into a New Space/Use Permit with NFF Grewal, Inc. for the Same Food & Beverage Concession Unit Under the Same Terms and Conditions, for a Term Expiring on December 31, 2029. **(Aviation)**

File ID: [\[041-21\]](#)

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

- 6.2 Report:** Consideration to Enter into a *Space/Use Permit* with Alclear, LLC dba CLEAR to Provide Registered Traveler Services at the Airport for a Term of 3+ Years (June 30, 2024 Expiration Date) with Anticipated FY2020-21 Revenue of \$36,000. **(Aviation)**

File ID: [\[040-21\]](#)

Attachments: [Report](#)
[Draft Agenda Report](#)

- 6.3 Ordinance:** Authorize the Executive Director to Execute (a) an Amendment to the Lease with CoolPort Oakland DRE, LLC to Defer its First Exclusive Negotiating Right Option by Two Years; (b) an Amendment to the License & Concession with ConGlobal Industries, LLC to Extend the Term by Two Years; and (c) an Amendment to the Lease with GSC Logistics, Inc. to Extend the Term by Two Years, Require Certain Tenant Improvements, Provide a Rent Credit of up to \$341,000 for Certain Improvements, and Provide a Reimbursement of up to \$100,000 for Certain Services; All Resulting in Annual Revenue of Approximately \$3.9 million **(Maritime)**

File ID: [\[029-21\]](#)

Attachments: [Agenda Report](#)
[Ordinance 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. 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 March 11, 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.