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Thursday, January 24, 2019

Board Room – 2nd Floor

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***The Public Portion Of The Meeting Will Begin At 3:00 p.m.***

**ROLL CALL**

*Commissioner Lee, Commissioner Leslie, Commissioner Martinez, Commissioner Story, 2nd Vice-President Colbruno, 1st Vice President Cluver and President Butner.*

**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:** Terminal Complex at Oakland International Airport

**Negotiating Parties:** Clear Channel Outdoor dba Clear Channel Airports and Port of Oakland

**Agency Negotiator:** Brandon J. Mark, Manager of Aviation Properties

**Under Negotiation:** Rental Rates and Length of Term of Space Use Permit

**Property:** Berths 20, 21, and 22 areas located at the Port of Oakland - 1599 Maritime Street, Oakland, CA

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

**Agency Negotiator:** John Driscoll, Director of Maritime

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

**Property:** One Market Street, Oakland, CA (Howard Terminal)

**Negotiating Parties:** Oakland Athletics and Port of Oakland

**Agency Negotiator:** Pamela Kershaw, Director of Commercial Real Estate

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

**File ID:** [002-19]

**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 1\_**

**File ID:** [036-19]

- 1.3 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** - (Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9):

*City of Oakland, a municipal corporation, acting by and through its Board of Port Commissioners vs. Embarcadero Cove Enterprises, LLC, et al.; Alameda County Superior Court Case No.: RG18926153;*

*Embarcadero Cove Enterprises LLC, United States Bankruptcy Court, Northern District of California Case No.: 18-42821 CN 7*

File ID: [037-19]

## OPEN SESSION/ROLL CALL

*Commissioner Lee, Commissioner Leslie, Commissioner Martinez, Commissioner Story, 2nd Vice-President Colbruno, 1st Vice President Cluver and President Butner.*

## 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:** Consent to Change in Control of Ownership of DAL Global Services, LLC and Assignment of a *License and Concession Agreement* to Occupy Warehouse Space and to Provide Passenger, Baggage, Ground and Cargo Handling, Aircraft Cabin Cleaning and Ground Service Equipment Maintenance, Repair and Washing Business at Oakland International Airport, from 100% Owner Delta Air Lines, Inc. to AirCo Aviation Services, LLC, jointly owned by Argenbright Holdings IV, LLC (51%) and Delta Air Lines, Inc. (49%).  
**(Aviation)**

File ID: [\[030-19\]](#)

Attachments: [Agenda Report](#)

- 2.2 Resolution:** Authorization for the Executive Director to Execute a Memorandum of Understanding with the Port of Long Beach Regarding Obligations Associated with the California Air Resources Board Zero- and Near-Zero Emissions Freight Facilities Grant, at an Estimated Cost of \$2,000,000 **(Maritime)**

File ID: [\[032-19\]](#)

Attachments: [Agenda Report](#)

- 2.3 Building Permit:** for Cingular Wireless (AT&T Mobility) for Antenna additions and upgrades, 8991 Earhart Road, Hangar 3, North Airport **(Engineering)**
- File ID:** [\[034-19\]](#)
- Attachments:** [Building Permit](#)
- 2.4 Ordinance 4208,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Second Amendment To A Temporary Right Of Entry And Construction Access Agreement With The City Of Oakland And ZARSION OHP I LLC For Reconstruction Of Embarcadero Bridge To Extend The Term For An Additional Six Months Through June 30, 2019.
- File ID:** [\[020-19\]](#)
- Attachments:** [Ordinance 4508](#)
- 2.5 Ordinance 4209,** 2nd Reading Of An Ordinance Consenting To Extend On A Month-To-Month Basis The Existing Lease With KAISERAIR, Inc. For The Premises And Facilities, Including Hangar 3 West, Hangar 4 And Related Airfield Aircraft Apron And Motor Vehicle Parking Spaces, To Adjust Minimum Rent To Fair Market Rental Value Of \$107,546 Per Month And To Increase The Security Deposit To \$350,000.
- File ID:** [\[021-19\]](#)
- Attachments:** [Ordinance 4509](#)
- 2.6 Ordinance 4210,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Amend (1) The Non-Exclusive Preferential Assignment Agreements (“NEPAAS”) With SSA Terminals (Oakland), LLC For Berths 55-56 And Berths 57-59 And (2) The Amended And Fully Restated Agreement Regarding Combined Compensation At Berths 55-56 And Berths 57-59 With SSA Terminals (Oakland), LLC To Modify Reimbursement Terms Associated With Excess Crane Removal Work.
- File ID:** [\[022-19\]](#)
- Attachments:** [Ordinance 4510](#)
- 2.7 Minutes:** Approval of the Minutes of the Regular Meetings of November 29, 2018 and December 13, 2018. **(Board)**
- File ID:** [\[001-19\]](#)
- Attachments:** [November 29, 2018 Minutes](#)  
[December 13, 2018 Minutes](#)
- 2.8 Report:** Report of Appointments, Separations and Leaves of Absence for FY 2018-19, 2nd Quarter (October 1, 2018 - December 31, 2018). **(Finance & Admin)**
- File ID:** [\[010-19\]](#)
- Attachments:** [Report](#)

### 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 5 months ended November 30, 2018. **(Finance & Admin)**

**File ID:** [\[009-19\]](#)

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

### 5. STRATEGY & POLICY

*This segment of the meeting is reserved for action or discussion on Strategy and Policy Issues.*

**5.1 Report:** Informational Report on the Maritime and Aviation Project Labor Agreement (MAPLA) Annual Progress Report Summary (July 1, 2017 - June 30, 2018) **(SRD)**

**File ID:** [\[003-19\]](#)

**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 Ordinance:** Authorize the Executive Director to Approve the 8th Supplement to the Lease with Burlington Northern Santa Fe Railway Company at the Joint Intermodal Terminal, Extending the Term of the Lease through December 31, 2023, Which Would Generate an Average Annual Minimum Revenue of Approximately \$3.4 Million; and Authorize the Executive Director to Approve the First Amendment to the Tail Track Operating Agreement with BNSF to Modify Track Infrastructure; Which Together Will Result in a One-Time Expenditure of \$550,000 of Port Funds **(Maritime)**

**File ID:** [\[029-19\]](#)

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

- 6.2 Resolution:** Approve and Authorize a Capital Budget of \$321,000 for the Design Phase of the North Driveway for 800 Series Warehouses Project and Authorize the Executive Director to Utilize Mott MacDonald, LLC for the Design Effort. **(Engineering/Maritime)**

**File ID:** [\[023-19\]](#)

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

- 6.3 Resolution:** (1) Approve and Authorize a Budget of \$262,000 for the Design Phase of the Outer Harbor Intermodal Terminal ("OHIT") Phase 2 - Interim Use Yard Paving Project and Authorize the Executive Director to Utilize WSP USA, Inc. for the Design Effort; and (2) Authorize the Executive Director to Utilize O.C. Jones & Sons, Inc. in the Not-To-Exceed amount of \$446,700 for the Former Oakland Army Base Trench Spoils Off-Haul Project and Approve and Authorize the Executive Director to Delegate the Authority to the Director of Engineering to Approve the Project Manual, Plans, and Specifications for this Project. **(Engineering/Maritime)**

**File ID:** [\[028-19\]](#)

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

## 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 February 14, 2019.*

## 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  
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### 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 Assistant 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.