



Thursday, January 27, 2022

Board Room – 2nd Floor

The Public Portion Of The Meeting Will Begin At 5:00 p.m.

COVID-19 PUBLIC PARTICIPATION

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 join the meeting:

<https://portoakland.zoomgov.com/j/1607881576>

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: 160 788 1576

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.

- 0.1 Resolution:** Determining That Conducting In-Person Meetings Of The Board Of Port Commissioners Would Present Imminent Risks To Attendees' Health And Safety And Electing To Continue Conducting Meetings Using Teleconferencing In Accordance With California Government Code Section 54953(E). **(Board)**

File ID: [\[024-22\]](#)

Attachments: [Resolution](#)

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: 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: 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: 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: [\[026-22\]](#)

- 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): **4 (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: [\[025-22\]](#)

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: [\[027-22\]](#)

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

Title: Chief Audit Officer

File ID: [\[028-22\]](#)

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

Title: Port Attorney

File ID: [\[029-22\]](#)

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 Building Permit:** for Pacific Layberthing South, LLC (PLS) for Shoreside Improvements, Berth 20-21, 1599 Maritime Street. **(Maritime)**
File ID: [\[018-22\]](#)
Attachments: [Permit 5342](#)
- 2.2 Building Permit:** for Central Valley Agriculture (CVAG) for Rail Improvements, 2440 W.14th Street. **(Maritime)**
File ID: [\[019-22\]](#)
Attachments: [Permit 5346](#)
- 2.3 Minutes:** Approval of the Minutes of the Regular Meeting of December 2, 2021. **(Board)**
File ID: [\[030-22\]](#)
Attachments: [December 2, 2021 Minutes](#)
- 2.4 Report:** Report of Appointments, Separations and Leaves of Absence for FY 2021-22, 2nd Quarter (October 1, 2021 - December 31, 2021). **(Finance & Admin)**
File ID: [\[005-22\]](#)
Attachments: [Report](#)
- 2.5 Report:** Annual Comprehensive Financial Report for Year Ended June 30, 2021. **(Finance & Admin)**
File ID: [\[006-22\]](#)
Attachments: [Agenda Report](#)
[Attachment](#)

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 4631**, 2nd Reading Of An Ordinance Approving A Non-Exclusive Preferential Assignment Agreement (“NEPAA”) 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.

File ID: [\[008-22\]](#)

Attachments: [Ordinance 4631](#)

- 6.2 Resolution:** Authorization For The Executive Director To (1) Enter Into A Five (5) Year On-Call Contract With Otis Elevator Company For Maintenance And On-Call Services Of Elevators, Escalators, And Conveyances At The Airport And Harbor For An Amount Not-To-Exceed \$1,800,000 Beginning February 1, 2022 Through January 31, 2027 And (2) Resolve Bid And “No-Bid” Protests In Accordance With Port Ordinance No. 4321. **(Aviation)**

File ID: [\[023-22\]](#)

Attachments: [Agenda Report](#)

- 6.3 Ordinance:** Approve and Authorize the Executive Director to Execute a Second Amendment to the License and Concession Agreement with Hadal, Inc. for Premises Located at 1363 Embarcadero, Oakland, to Extend the Term for Five Years at an Initial Annual Rate of \$178,980 with a 3% Increase Per Year Each Subsequent Year **(CRE)**

File ID: [\[010-22\]](#)

Attachments: [Agenda Report](#)

[Attachment](#)

- 6.4 Resolution:** Authorize the Executive Director to Waive Formal Competition and Enter Into a Contract with ADB Safegate Americas, LLC to Furnish Airfield Electrical Equipment in an Amount Not to Exceed \$300,000 in Support of Taxiway T (East) Pavement Rehabilitation Project; and Authorization for the Executive Director to Apply for and Accept Grant Award of Approximately \$11,200,000, or more if Additional Funding Becomes Available from the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) for Federal Fiscal Year (FFY) 2022 for the Taxiway T (East) Pavement Rehabilitation Project. **(Engineering)**

File ID: [\[009-22\]](#)

Attachments: [Agenda](#)

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 February 10, 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.