



Thursday, January 28, 2021

Board Room – 2nd Floor

The Public Portion Of The Meeting Will Begin At 4:00 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.zoomgov.com/j/1616316477>

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: 161 631 6477

*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 (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 surrounding the Port's existing Inner and Outer Harbor Turning Basins

Negotiating Parties: Various property owners surrounding the Port's existing Inner and Outer Harbor Turning Basins and the Port of Oakland

Agency Negotiator: Bryan Brandes, Maritime Director

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

File ID: [\[024-21\]](#)

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): 2 (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: [\[023-21\]](#)

Attachments: [Agenda Report](#)

[Exhibit A](#)

[Exhibit B](#)

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:** Approve the Terms and Conditions of an Airline Operating Agreement and its Annex "A" Space/Use Permit with Frontier Airlines, Inc., with Anticipated Annual Revenues of \$2,180,233, Operating at Oakland International Airport and Authorize the Executive Director to Execute Both Agreements. **(Aviation)**

File ID: [\[011-21\]](#)

Attachments: [Agenda Report](#)

- 2.2 Ordinance:** Approval of a Space/Use Permit with McGee Air Services, Inc., an Airline Services Provider, with Estimated \$3,000 in Annual Revenue, Operating at Oakland International Airport. **(Aviation)**

File ID: [\[012-21\]](#)

Attachments: [Agenda Report](#)

- 2.3 Ordinance 4582,** 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 9, For A Maximum Term Of 10.5 Years, Resulting In Average Annual Revenue Of Approximately \$521,288.

File ID: [\[020-21\]](#)

Attachments: [Ordinance 4582](#)

- 2.4 Minutes:** Approval of the Minutes of the Regular Meetings of December 3, 2020 and December 17, 2020. **(Board)**

File ID: [\[001-21\]](#)

Attachments: [December 3, 2020 Minutes](#)

[December 17, 2020 Minutes](#)

- 2.5 Report:** Comprehensive Annual Financial Report for the Years Ended June 30, 2020 and 2019. **(Finance & Admin)**

File ID: [\[007-21\]](#)

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

- 2.6 Report:** Report of Appointments, Separations and Leaves of Absence for FY 2020-21, 2nd Quarter (October 1, 2020 - December 31, 2020). **(Finance & Admin)**

File ID: [\[006-21\]](#)

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, 2020. **(Finance & Admin)**

File ID: [\[005-21\]](#)

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

5. STRATEGY & POLICY

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

- 5.1 Resolution:** Approval and Re-certification of the Port of Oakland's Sewer System Management Plan (2020 SSMP). **(Engineering/Legal)**

File ID: [\[367-20\]](#)

Attachments: [Agenda Report](#)

- 5.2 Report:** Update on Labor Peace Rule for Certain Operational Services Agreements Executed Pursuant to a Request for Proposal. **(SRD)**

File ID: [\[019-21\]](#)

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:** Authorize the Executive Director to Enter into a Professional Services Agreement with AECOM Technical Services, Inc., to Provide Environmental Planning and Technical Support Services for the Oakland Harbor Turning Basins Widening Feasibility Study in the Amount Not to Exceed \$3,800,000 and Approve an Increase of \$2,000,000 to the Project Budget Resulting in a Total Project Budget of \$5,000,000. **(Maritime)**

File ID: [\[017-21\]](#)

Attachments: [Agenda Report](#)

- 6.2 Resolution:** Authorize the Executive Director to Enter into a Contract with SilMan Venture Corp. dba SilMan Industries in an Amount Not-to-Exceed \$1,178,000 For the Rehabilitation of Sanitary Sewer Lift Stations B31P at Berth 20 and D04P and D05P at Berths 55-56 Project and Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not-to-Exceed \$176,700 **(Engineering/Maritime)**

File ID: [\[009-21\]](#)

Attachments: [Agenda Report](#)

- 6.3 Resolution:** Authorize the Executive Director to Execute an Agreement with Western Area Power Administration for a Base Resource Energy Contract Beginning January 1, 2025, Through December 31, 2054. **(Executive Office)**

File ID: [\[004-21\]](#)

Attachments: [Agenda Report](#)

- 6.4 Ordinance:** Enactment of the Ordinance Necessary to Ratify and Set the Salary Increase and the Salaries for Certain Port of Oakland Non-Represented Employees in Port Employee Representation Unit H. **(Finance & Admin)**

File ID: [\[018-21\]](#)

Attachments: [Agenda Report](#)

[Attachment](#)

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 11, 2020

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.