



## SUPPLEMENTAL BOARD AGENDA

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Thursday, July 22, 2021

Board Room – 2nd Floor

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***The Public Portion Of The Meeting Will Begin At 4:30 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 register to join the meeting:*

*<https://portoakland.zoomgov.com/j/1617482192>*

*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: 161 748 2192*

*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 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 [one (1) Matter]," attached hereto)**

File ID: [\[234-21\]](#)

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:** 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, Director of Maritime

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

~~**PULLED Property:** 555 Maritime Street Bldg. D-516, Oakland, CA 94607~~

~~**Negotiating Parties:** Unicold Corporation and the Port of Oakland~~

~~**Agency Negotiator:** Bryan Brandes, Director of Maritime and Delphine Prevost, Maritime Manager of Admin/Finance~~

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

**Property:** All Retail and Duty Free Units (7,300+/- square feet) spread throughout the Terminal Complex at Oakland International Airport

**Negotiating Parties:** World Duty Free Group (Hudson Group) and other potential airport retail and duty free concessions proposers and the Port of Oakland

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

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

**File ID:** [\[235-21\]](#)

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

**Title:** Port Attorney

**File ID:** [\[236-21\]](#)

**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 Resolution:** Authorize the Executive Director to Execute a Supplemental Agreement with West Yost Associates, Inc. for an Additional \$820,000 for Construction Support Services for the Earhart Road Sanitary Sewer Improvements and Aircraft Rescue and Fire Fighting Wash Rack Rehabilitation Projects, Design Services for the South Field Sanitary Sewer Rehabilitation, and Design and Construction Support Services for the Abandonment of Unused Sanitary Sewer Line Projects. **(Engineering/Aviation)**

**File ID:** [\[199-21\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 2.1](#)

- 2.2 Resolution:** Authorization for the Executive Director to Execute Additional Contract Change Orders of \$1,270,000 with O.C. Jones & Sons, Inc. related to the Import of Fill Material from Off-Sites for the Airport Perimeter Dike Improvements (Phase 1B) Project. **(Engineering/Aviation)**

**File ID:** [\[219-21\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 2.2](#)

- 2.3 Resolution:** Approval of the Draft Port Share Plan for the Jack London Improvement District for Fiscal Year 2021 in the Amount of \$185,850.45 **(CRE)**

**File ID:** [\[220-21\]](#)

**Attachments:** [Agenda Report](#)  
[Attachment](#)  
[Resolution Item 2.3](#)

- 2.4 Resolution:** Submission of Port Utilities 2020 Power Content Label to California Energy Commission **(Executive Office)**

**File ID:** [\[198-21\]](#)

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

- 2.5 Minutes:** Approval of the Minutes of the Regular Meeting **s** of June 10, 2021 and **June 24, 2021. (Board)**

File ID: [\[237-21\]](#)

Attachments: [June 10, 2021 Minutes](#)  
[June 24, 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:** Adoption of an Ordinance to Approve and Authorize Execution of a Second Amendment to Lease with Oakland Fuel Facilities Corporation (“OFFC”) to: (1) Authorize Adjusting the Method of Calculating Annual Rent; (2) Recover over a Three-Year Period \$1.09 Million of Unbilled Prior-Year Rents; (3) Allow OFFC to Use Up to \$1.8 Million for Fuel-Related Capital Improvements on the Premises Currently Held by the Port of Oakland (“Port”) in a Reserve Account Intended to Cover Certain Potential Environmental Monitoring and Remediation Expenses; and, (4) Apply the Port’s Environmental Ordinance, Ordinance No. 4345 as it may be amended or restated from time to time, to the OFFC Lease.  
**(Aviation)**

File ID: [\[195-21\]](#)

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

- 6.2 Resolution:** Authorize Executive Director to Dispense with Standard Bidding Procedures and Enter into a Sole Source Professional Services Agreement with Operation Technology Integrators for a Not-to-Exceed Amount of \$1,005,000 for the Implementation of a Comprehensive Energy Management Control System for Heating, Ventilation, and Air Conditioning at Oakland International Airport. **(Aviation)**

**File ID:** [\[208-21\]](#)

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

- 6.3 Ordinance:** Authorize the Executive Director to Execute a Lease with GSC Logistics, Inc., for Approximately 14.9 acres of land at the Berths 33-34 Backlands through June 30, 2025, Resulting in Average Annual Rent of Approximately \$2.19 Million and Providing up to \$364,998 for Reimbursement of Certain Tenant Improvements **(Maritime)**

**File ID:** [\[211-21\]](#)

**Attachments:** [Agenda Report](#)  
[Ordinance Item 6.3](#)

- 6.4 Ordinance:** Approval to Execute Amendments to the Non-Exclusive Preferential Assignment Agreements with SSA Terminals (Oakland), LLC for the (a) Oakland International Container Terminal (Berths 55-59) to Transfer the Port's Obligation to Demolish Three Port-Owned Cranes; and (b) the Matson Terminal (Berths 60-63) to Combine and Clarify Certain Rent Terms; and

**Resolution:** Approval to Execute a Cost Reimbursement Agreement with SSA Terminals (Oakland), LLC for the Demolition and Removal of Three Port-Owned Cranes at the Oakland International Container Terminal (Berths 55-59), in an Amount Not to Exceed \$891,000. **(Maritime)**

**File ID:** [\[213-21\]](#)

**Attachments:** [Agenda Report](#)  
[Ordinance Item 6.4](#)  
[Resolution Item 6.4](#)

- 6.5 Resolution:** Authorize the Executive Director to Enter into a Contract with Black and Veatch Corporation in an Amount Not-to-Exceed \$1,856,400 For Design and Design Support Services During Construction for the 12kV/115kV Main Substation (Davis and Cuthbertson) Replacement Projects. **(Engineering/Maritime)**

**File ID:** [\[216-21\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 6.5](#)

- 6.6 Resolution:** Approving and Authorizing Execution of a Third Modification to the November 14, 2019 Employment Agreement with Danny W. Wan to Extend Such Agreement through June 30, 2024 and to Provide Annual Three Percent (3%) Increases to Base Salary Effective the Pay Periods Containing November 14, 2020; July 1, 2021; July 1, 2022; and, July 1, 2023. **(Finance & Admin.)**

**File ID:** [\[233-21\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 6.6](#)

## 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 September 16, 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.