



Thursday, June 8, 2023

Board Room – 2nd Floor

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

Public Participation

To Speak on an Agenda Item via Teleconference

To participate via teleconference please click the link below.

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. During your turn, you will be unmuted to make public comment, and re-muted after the allotted time. All speakers will be allotted a minimum of one minute.

*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. During your turn, you will be unmuted to make public comment, and re-muted after the allotted time. Please unmute yourself by pressing *6.*

<https://portoakland.zoomgov.com/j/1611188451>

To join by Telephone:

US: US: +1 669 254 5252 or +1 669 216 1590 or +1 415 449 4000

Webinar ID: 161 118 8451

To Speak on an Agenda Item In-person

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 the conclusion of Closed Session. You may submit a Speaker Card for Open Forum any time prior to Open Forum. All speakers will be allotted a minimum of one minute.

ROLL CALL

Commissioner Cluver, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, Second Vice-President Butner, First Vice-President Lee and President Leslie.

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 - EXISTING LITIGATION - (Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9): **Number of Matter(s): 1:**

(1) East Oakland Stadium Alliance, Pacific Merchant Shipping Association, Harbor Trucking Association, California Trucking Association, Schnitzer Steel Industries, Inc., and International Longshore and Warehouse Union v. City of Oakland, etc., et al., Alameda County Superior Court Case No. 22CV009325, California Court of Appeal (First District, Division Four) Case No. A166221

File ID: [\[208-23\]](#)

1.2 CONFERENCE WITH REAL PROPERTY NEGOTIATOR - (Pursuant to California Government Code Section 54956.8)

Property: Various properties in and around Jack London Square, various properties in or around the Seaport, and various properties in or around the North Field of Oakland International Airport

Negotiating Parties: Various Current and Perspective Tenants for Properties in and around Jack London Square, in or Around the Seaport, and in or Around the North Field of Oakland International Airport and the Port of Oakland

Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate

Under Negotiation: Price and Terms of Payment

Property: 5190 7th Street, Oakland, CA

Negotiating Parties: Everport Terminal Services, Inc. and the Port of Oakland

Agency Negotiator: Bryan Brandes, Director of Maritime

Under Negotiation: Price and Terms of Payment

Property: 1101 Embarcadero West, Oakland, CA

Negotiating Parties: Schnitzer Steel Industries, Inc. and the Port of Oakland

Agency Negotiator: Bryan Brandes, Director of Maritime

Under Negotiation: Price and Terms of Payment

File ID: [\[209-23\]](#)

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: [\[207-23\]](#)

OPEN SESSION/ROLL CALL

Commissioner Cluver, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, Second Vice-President Butner, First Vice-President Lee and President Leslie.

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:** Approve and Authorize the Executive Director to Waive Formal Competitive Procedures and Execute a Supplemental Agreement to the Existing Professional Services Agreement with The Alliance, Inc., to Extend the Term for Three Additional Years Through December 31, 2026 and Add \$300,000 to the Maximum Compensation for a Total of \$470,000 to Continue Providing Design Review and Program Implementation Assistance for the Food & Beverage and Retail & Duty-Free Concessions Programs. **(Aviation)**

File ID: [\[183-23\]](#)

Attachments: [Agenda Report](#)

- 2.2 Ordinance:** Approve and Authorize the Executive Director to (1) Execute Second and Third Lease Amendments with U.S. Customs and Border Protection (CBP) for Office and Parking Space Located at 700 Maritime Street, Oakland, CA with a Maximum Lease Term Through June 30, 2028, Resulting in Annual Rent of \$0, and (2) Negotiate and Execute a Rental Agreement for a Modular Office Building for CBP, which cost shall be reflected in the Third CBP Lease Amendment; and Finding the Proposed Action is Exempt Under the California Environmental Quality Act. **(Maritime)**

File ID: [\[168-23\]](#)

Attachments: [Agenda Report](#)

- 2.3 Resolution:** Approve and Authorize the Executive Director to Enter into an Agreement with Pacific Crane Maintenance Company, LLC to Subgrant up to \$1,484,557 of Funds Received from the United States Department of Agriculture to Create and Operate a Pop-Up Yard on Howard Terminal **(Maritime)**
- File ID:** [\[200-23\]](#)
- Attachments:** [Agenda Report](#)
- 2.4 Resolution:** Approve the Port of Oakland Sanitary Sewer System Corrective Action Work Plan, Delegate Authority to the Executive Director to Approve Future Amendments to the Corrective Action Work Plan and Find that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Engineering)**
- File ID:** [\[166-23\]](#)
- Attachments:** [Agenda Report](#)
[Corrective Action Work Plan May 2023](#)
- 2.5 Resolution:** Approve and Authorize the Executive Director to: (1) Dispense with Standard Bidding Procedures, (2) Issue a Request for Proposals to solicit proposals from Interested Prime Builder Entities for Design Builder Services for Mobile Shore Power Outlet System at Berths 55 and 59, and (3) Resolve Any Protests Resulting from the Process. **(Engineering/Maritime)**
- File ID:** [\[180-23\]](#)
- Attachments:** [Agenda Report](#)
- 2.6 Resolution:** Approve and Authorize the Port Risk Manager to Renew the Port of Oakland's Contractors Pollution Liability Insurance Policy with Navigators Specialty Insurance Company, Arranged and Paid Through Alliant Insurance Services, for an Amount Not to Exceed \$232,000, and Delegate Authority to the Port Risk Manager to Execute any Necessary Documents. **(Finance and Administration)**
- File ID:** [\[203-23\]](#)
- Attachments:** [Agenda Report](#)
- 2.7 Ordinance 4708**, 2nd Reading Of An Ordinance Amending Section 2.01 Of Port Ordinance No. 867 Ratifying And Setting The Compensation Of Employees Of The Port Department Represented By Service Employees International Union, Local 1021 And Amending Section 1.191 Providing Professional Development Benefits For Certain Employees.
- File ID:** [\[206-23\]](#)
- Attachments:** [Ordinance 4708](#)

- 2.8 Minutes:** Approval of the Minutes of the Regular Meeting of May 11, 2023 and the Special Meeting of May 18, 2023. **(Board)**

File ID: [\[205-23\]](#)

Attachments: [May 11, 2023 Minutes](#)

[May 18, 2023 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 Resolution:** Approve and Authorize the Executive Director to Increase the Total Contract Authority for On-Call Professional Engineering Design Services for Non-Federally Funded Contracts from \$5,000,000 to \$7,000,000 **(Engineering)**

File ID: [\[169-23\]](#)

Attachments: [Agenda Report](#)

- 6.2 Resolution:** Approve and Authorize the Executive Director to: (1) Waive Formal Competitive Procurement Procedures; (2) Execute a Single Source Contract with Power Engineering Construction Company for Construction of Jack London Square Boardwalk Repairs Structures 7 & 8, in an Amount Not-to-Exceed TBD; and (3) Execute Contract Change Orders in an Amount Not-to-Exceed TBD; and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Engineering / Aviation)**

File ID: [\[185-23\]](#)

Attachments: [Agenda Report](#)

- 6.3** Approve and Authorize the Executive Director to Enter into an Agreement with NetXperts, LLC for Cisco Smart Net Subscription and Software Licensing for a Five-Year Term in an Amount Not to Exceed \$1,018,600 (**Information Technology**)

File ID: [\[184-23\]](#)

Attachments: [Agenda Report](#)

- 6.4** **Resolution:** Approve and Authorize the Executive Director to Waive Formal Competitive Procurement Procedures and Enter Into a Second Supplemental Agreement to the Professional Services Agreement with Cambridge Systematics, Inc. to Extend the Term Through December 31, 2025 and Add \$500,000 to the Maximum Compensation for a Total Amount Not to Exceed of \$900,000 to Provide Grant Management Consulting Services (**Environmental Programs and Planning**)

File ID: [\[186-23\]](#)

Attachments: [Agenda Report](#)

- 6.5** **Resolution:** Approve and Authorize the Executive Director to Execute a Project Supplement No. 2 with the California State Transportation Agency, Authorizing \$17,969,402 in State Funding to be Distributed to the Port of Oakland for Design and Engineering of Transportation Projects, and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act (**Executive Office**)

File ID: [\[204-23\]](#)

Attachments: [Agenda Report](#)

[Attachment A](#)

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 July 13, 2023.

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.

Daria Edgerly, Secretary of the Board
530 Water Street, Oakland, CA 94607
dedgerly@portoakland.com
(510) 627-1337

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.