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Thursday, March 28, 2019

Board Room – 2nd Floor

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

## **ROLL CALL**

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

*First Vice-President Cluver will participate in Closed Session by telephone from 405 N. Indiana Ave., Bloomington, IN 47408.*

## **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:** One Airport Drive, Oakland, CA

**Negotiating Parties:** Southwest Airline and Port of Oakland

**Agency Negotiator:** Bryant Francis, Director of Aviation

**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:** [083-19]

- 1.2 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:** [084-19]

- 1.3 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - (Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of California Government Code Section 54956.9): **Number of Matters: 1**

**File ID:** [085-19]

## **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 Building Permit:** for Southwest Airlines for Remodel of Checked Baggage Sort Area ("T-Point"), 1 Airport Drive, Terminal 2, OAK (**Engineering**)

**File ID:** [\[078-19\]](#)

**Attachments:** [Building Permit](#)

- 2.2 Building Permit:** for Oakland International Container Terminal (OICT) to Install a New Guard Booth at the East Entrance, 1717 Middle Harbor Road (**Engineering**)

**File ID:** [\[079-19\]](#)

**Attachments:** [Building Permit](#)

- 2.3 Building Permit:** for Jabbrbox LLC to Install Three Modular Work Booths for Public Use, 1 Airport Drive, Connector Building, OAK **(Engineering)**

**File ID:** [\[080-19\]](#)

**Attachments:** [Building Permit Jabbrbox.pdf](#)

- 2.4 Ordinance:** Approve and Authorize the Executive Director to Execute a Second Amendment to a License & Concession Agreement with Transfer Case Express, Inc. for the Premises Located at 1285 Embarcadero Road, Oakland **(CRE)**

**File ID:** [\[075-19\]](#)

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

[Attachment](#)

- 2.5 Minutes:** Approval of the Minutes of the Regular Meeting of February 14, 2019. **(Board)**

**File ID:** [\[082-19\]](#)

**Attachments:** [February 14, 2019 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.*

- 3.1 Report:** Update on GoPort Program: Freight Intelligent Transportation System and 7th Street Grade Separation Projects. **(Maritime)**

**File ID:** [\[077-19\]](#)

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

### 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:** FY 2020 Operating and Capital Budget Update #1, including Unaudited Financials for 7 Months ended January 31, 2019. **(Finance & Admin)**

**File ID:** [\[018-19\]](#)

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

[Attachment](#)

### 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 Approving (i) a Fourth Supplement and Amendment to Lease and Option to Lease to a Lease dated September 1, 2011 Originally Between the Port of Oakland and Business Jet Center-Oakland, L.P., now with Piedmont Hawthorne Aviation, LLC doing business as Signature Flight Support, to Amend the Premises, Adjust Facilities Rent, and Change the Rent Adjustment Dates; and, (ii) a Third Amendment to Lease to a Lease dated November 1, 2011 with Piedmont Hawthorne Aviation, LLC doing business as Signature Flight Support to Adjust the Facilities Rent and Rent Adjustment Dates, For Premises Located at the North Field of Oakland International Airport. **(Aviation)**

**File ID:** [\[064-19\]](#)

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

- 6.2 Ordinance:** Authorize the Executive Director to Execute a Lease with ConGlobal Industries, LLC, for a Term Extending Through June 30, 2023, Resulting in Annual Rent Ranging From Approximately \$1.7 Million to \$2.1 Million; and Authorize \$76,331 for a One-Time Rent Credit and \$1.0 million for Certain Pavement Improvements. **(Maritime)**

**File ID:** [\[072-19\]](#)

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

- 6.3 Resolution:** Authorize the Executive Director to Execute an Exclusive Negotiating Agreement with Eagle Rock Aggregates, Inc., for the Development and Lease of a Bulk Sand and Aggregate Marine Terminal at Berths 20-22, With a Non-Refundable Fee Up to \$500,000 **(Maritime)**

**File ID:** [\[071-19\]](#)

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

- 6.4 Ordinance:** Amendment of the Salary Schedule Assignment for the Youth Aide, Class "C" Classification in Connection with the Port of Oakland College Internship Program **(Finance & Admin.)**

**File ID:** [\[081-19\]](#)

**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 April 11, 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.