



PORT OF OAKLAND

SUPPLEMENTAL BOARD AGENDA

Thursday, May 12, 2022

Board Room – 2nd Floor

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

COVID-19 Public Participation - In-Person Participation Prohibited

In response to the ongoing COVID-19 pandemic, California Governor Gavin Newsom issued Executive Order N-1-22 on January 5, 2022, regarding public meetings. Pursuant to the Executive Order, all members of the Board of Port Commissioners ("Board") may participate in Board meetings via teleconference, and no teleconference locations for the public are required to be provided or noticed in the meeting agenda. The public must be given the opportunity to observe and address the meeting telephonically or otherwise electronically.

Given the continuing precautions necessary to respond to the ongoing and changing nature of the COVID-19 pandemic and associated public health emergency, Board meetings will be teleconferenced, and in-person participation at Board meetings is limited to essential Port personnel, including Port Commissioners and essential Port staff. The Board room meeting site is closed to members of the public and non-essential Port personnel. The public may participate in and address the Board in the meeting as follows:

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.

*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.*

Meeting link:

<https://portoakland.zoomgov.com/j/1600357135>

To join by Telephone:

US: +1 669 254 5252 or +1 669 216 1590

Webinar ID: 160 035 7135

If asked for a participant ID, 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.*

Instructions for raising your hand are available at:

<https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-in-a-webinar>

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): 1** (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: [\[150-22\]](#)

Attachments: [Agenda Report](#)
[Exhibit A](#)

- 1.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** - (Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9): **Number of Matter(s): 4:**

(1) West Oakland Environmental Indicators Project v. Port of Oakland, et al., Alameda County Superior Court Case No. 22CV008905

(2) 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

(3) Capitol Corridor Joint Powers Authority v. City of Oakland, etc., et al., Alameda County Superior Court Case Nos. 22CV009308/22CV009309

(4) Union Pacific Railroad Company v. City of Oakland, etc., et al., Alameda County Superior Court Case Nos. 22CV009312/22CV009330

File ID: [\[151-22\]](#)

1.3 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: Two Food & Beverage Concession Units located at Oakland International Airport; #1 Airport Drive, Oakland

Negotiating Parties: (i) HG OAK F&B Concessionaires JV (Hudson Group, Albright International and Zaman Group); (ii) HFF OAK Venture LLC (High Flying Foods, Andale Management Group and RDJ Enterprises); and (iii) MAG US Lounge Management (MAG Escape, GTMS and JN&K Restaurants) and the Port of Oakland

Agency Negotiator: Nyika Allen, Assistant Director of Aviation and Brandon J. Mark, Manager of Aviation Properties

Under Negotiation: Price and Terms of Payment

File ID: [\[152-22\]](#)

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

Title: Secretary of the Board

File ID: [\[153-22\]](#)

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 Resolution:** Approval and Authorization for the Executive Director to Enter Into a Third Supplemental Agreement for Professional Services Agreement with ARINC Incorporated, a Part of Collins Aerospace (Collins), to Provide One Year of 2nd Level Support, Software, Updates, and Licensing for the Twenty Common Use Self Service (CUSS) Kiosks at Oakland International Airport for \$37,000 **(Information Technology)**

File ID: [\[124-22\]](#)

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

- 2.2 Ordinance 4641,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into An Amendment To A No-Cost Temporary License Agreement With Alameda County Transportation Commission For Certain Port Lands Located Along 7th Street Near The Intersection Of 7th Street And Maritime Street Providing For Various Activities In Support Of The Construction Of The 7th Street Grade Separation East Project To Extend The Term For Two Years, From December 31, 2024 To December 31, 2026.

File ID: [\[148-22\]](#)

Attachments: [Ordinance 4641](#)

- 2.3 Ordinance 4642,** 2nd Reading Of An Ordinance Amending Port Of Oakland ("Port") Ordinance No. 2833 Amending Tariff Number 2-A To: (A) Increase Rates For Space Assignments; (B) Increase Rates For Use Of The Port-Owned Truck Parking/Container Depot; (C) Increase The Annual Drayage Truck Registration Fee; (D) Reduce And Clarify Free Time For Cargo Demurrage; And (E) Make Various Other Minor Administrative Updates, All Effective July 1, 2022.

File ID: [\[149-22\]](#)

Attachments: [Ordinance 4642](#)

- 2.4 Minutes:** Approval of the Minutes of the Regular Meeting of April 14, 2022. **(Board)**

File ID: [\[142-22\]](#)

Attachments: [April 14, 2022 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.

4.1 Report: FY 2023 Operating and Capital Budget Update #2. **(Finance & Admin)**File ID: [\[117-22\]](#)

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

4.2 Report: Unaudited Financials for 9 months ended March 31, 2022 including Capital Expenditure Report. **(Finance & Admin)**File ID: [\[118-22\]](#)

Attachments: [Report](#)
[Supplemental 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 Resolution: Approve and Authorize the Executive Director to Execute Amendment No. 3 to Grant Agreement 09SP01 to Repay \$2,269,840 of Goods Movement Emission Reduction Program Grant Funds to the Bay Area Air Quality Management District, Related to the Shore Power System at Howard Terminal Berth 68 **(Maritime)**File ID: [\[131-22\]](#)

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

6.2 Resolution: Approve and Authorize the Executive Director to Execute Contracts **to Enable Parties to Purchase Low Carbon Fuel Standard Credits From The Port Of Oakland and** for the Sale of Low Carbon Fuel Standard Credits **to Enabled Parties.** **(Environmental)**File ID: [\[121-22\]](#)

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

- 6.3 Resolution:** Approval and Authorization for the Executive Director to Enter into Contracts for On-Call Professional Engineering Design Services Non-Federally Funded Contracts Totaling \$5,000,000 Over Four (4) Years. **(Engineering)**

File ID: [\[141-22\]](#)

Attachments: [Agenda Report](#)
[Resolution Item 6.3](#)

- 6.4 Resolution:** Approve and Authorize the Executive Director to Amend the Professional Services Agreement with John C. Martin Associates, LLC to Add Aviation and Commercial Real Estate to the Port's Seaport Economic Impact Study, Increase the Compensation Amount by \$100,500, and Extend the Term Through November 30, 2022. **(SRD)**

File ID: [\[122-22\]](#)

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

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 May 26, 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.

Daria Edgerly, Secretary of the Board
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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.