



Thursday, May 13, 2021

Board Room – 2nd Floor

The Public Portion Of The Meeting Will Begin At 4:15 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 join the meeting:

<https://portoakland.zoomgov.com/j/1618793304>

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: 161 879 3304

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): 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: [\[154-21\]](#)

Attachments: [Agenda Report](#)

[Exhibit A](#)

[Exhibit B](#)

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

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

Property: Outer Harbor Terminal Berths 23-24

Negotiating Parties: TraPac, LLC and the Port of Oakland

Agency Negotiator: Bryan Brandes, Maritime Director

Under Negotiation: Price and Terms of Payment

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

File ID: [\[155-21\]](#)

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: [\[156-21\]](#)

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

Title(s): Executive Director

File ID: [\[157-21\]](#)

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 Enter into a Contract with Oshkosh Airport Products, LLC in an Amount Not to Exceed \$1,135,896 for Procurement of Aircraft Rescue Fire Fighting (ARFF) Rescue 2 Vehicle Replacement and Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not to Exceed \$20,104. **(Engineering/Aviation)**

File ID: [\[137-21\]](#)

Attachments: [Agenda Report](#)

- 2.2 Resolution:** Authorize the Executive Director to (1) Enter into a Contract with Blocka Construction, Inc. in an Amount Not-to-Exceed \$745,500, (2) Execute Contract Change Orders to the Extent Necessary in the Amount Not-to-Exceed \$100,000, and (3) Execute an Annual Maintenance Support Contract with Blocka Construction, Inc. for up to 10 Years in An Aggregate Amount Not-To-Exceed \$1,000,000 for the Shore Power System Computer Replacement Project. **(Engineering/Maritime)**

File ID: [\[136-21\]](#)

Attachments: [Agenda Report](#)

- 2.3 Resolution:** Authorization to (i) Pre-Pay the Port's Proportionate Share of the FY 2022 Unfunded Accrued Liability for the City of Oakland ("City") Miscellaneous Plan (Pension Plan) for which the Port is a Participant, in Lieu of 12 Monthly Payments and (ii) Enter into a Letter Agreement with the City Outlining Certain Procedures for FY 2022 as a Result of the City Participating in the CalPERS Pre-Pay Program. **(Finance & Admin)**

File ID: [\[125-21\]](#)

Attachments: [Agenda Report](#)

- 2.4 Resolution:** Approve and Authorize Executive Director to Waive Formal Competition and Enter into a Contract with Absolute Consulting, Inc., dba Absolute Consulting Software Development, Inc. for Advanced-Level Oracle ERP System Support for Three Years With Two, One-Year Extension Options, for a Total Amount Not to Exceed \$1,300,000. **(Finance & Admin)**

File ID: [\[124-21\]](#)

Attachments: [Agenda Report](#)

- 2.5 Resolution:** Approve and Authorize the Executive Director to Execute A Supplemental Agreement with ABC Security Services, Inc. for Security Services at Middle Harbor Shoreline (MHSP) and Port View Park(s) To: (1) Extend the Term of the Agreement for One Year Expiring June 30, 2022 and (2) Increase the Total Maximum Compensation By \$280,000 For the Remainder of the Extended Term For a Maximum Contract Amount Not to Exceed \$1,500,000 **(SRD)**

File ID: [\[143-21\]](#)

Attachments: [Agenda Report](#)

- 2.6 Ordinance 4597,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into A Second Amendment To Space/Use Permit With Civil Air Patrol To Extend The Term By One Year To June 30, 2022, At A Monetary Consideration Of \$1.00 Per Annum For Premises At Building L-105 At North Field At Oakland International Airport. **(Board)**

File ID: [\[144-21\]](#)

Attachments: [Ordinance 4597](#)

- 2.7 Ordinance 4598**, 2nd Reading Of An Ordinance Approving The Terms And Conditions Of An Amended And Restated Space/Use Permit (“Restated Sup”) With Each Of The Four Food & Beverage Concessionaires Operating At Oakland International Airport; Specifically: HFF Oak Venture, LLC; Rylo Management, LLC; Soaring Food Group II, LLC; And, SSP America Oak, LLC To Modify Each Existing Space/Use Permit (“Sup”) Including: (1) Adopting Construction Schedules And Commencement Of Payment Of Minimum Annual Guarantee Based On The Percentage Of Enplaned Passengers Compared To Cy2019; (2) Extending The Term Of Each Sup Through March 31, 2033, Plus Two One-Year Options For The Port Of Oakland (“Port”) To Extend (Latest Expiration Of March 31, 2035); (3) Adjusting The Calculation Of Minimum Annual Guarantee; (4) Adding A New 15% Tier For Food Sales To The Percentage Of Gross Revenues Calculation Effective January 1, 2026; (5) Setting The Date For Contributions To The Marketing Fund; (6) Adjusting And Setting The Date For Contributions To The Mid-Term Refurbishment Fund; (7) Deleting One Unit From The Definition Of Assigned Space With HFF Oak Venture, LLC; (8) Authorizing The Executive Director To Approve A Change In Concept; And (9) Authorizing The Executive Director To Execute Each Restated Sup And Any Other Documents Necessary To Effect These Modifications; All For The Food & Beverage Concessions Program At Oakland International Airport. **(Board)**

File ID: [\[145-21\]](#)

Attachments: [Ordinance 4598](#)

- 2.8 Minutes:** Approval of the Minutes of the Regular Meetings of April 8, 2021 and April 22, 2021. **(Board)**

File ID: [\[151-21\]](#)

Attachments: [April 8, 2021 Minutes](#)

[April 22, 2021 Minutes](#)

- 2.9 Report:** Single Audit, Passenger Facility Charges and Customer Facility Charges Reports for the Year Ended June 30, 2020. **(Finance/Admin)**

File ID: [\[117-21\]](#)

Attachments: [Report](#)

[Attachment](#)

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 2022 Operating and Capital Budget Update #2. **(Finance & Admin)**File ID: [\[127-21\]](#)Attachments: [Report](#)**4.2 Report:** Unaudited Financials for 9 months ended March 31, 2021 including Capital Expenditure Report. **(Finance & Admin)**File ID: [\[140-21\]](#)Attachments: [Report](#)**5. STRATEGY & POLICY**

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

5.1 Report: Governmental Affairs Legislative and Funding Update **(Government Affairs)**File ID: [\[139-21\]](#)Attachments: [Report](#)**5.2 Resolution and Ordinance:** Adoption of a Resolution to Approve the Rescission of Administrative Policy and Procedures (“AP”) 16 (Internal Review Protocol) and to Amend AP18 (Whistleblower Protection Policy) and AP19 (Whistleblower Hotline Policy) and Enactment of an Ordinance to Amend Article XI (Chief Audit Officer) of the By-Laws and Administrative Rules of the Board of Port Commissioners. **(Audit)**File ID: [\[153-21\]](#)Attachments: [Agenda Report](#)[Exhibit A](#)[Exhibit B](#)[Exhibit C](#)[Exhibit D](#)**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 Execute a Contract Change Order in an Amount Not-to-Exceed \$425,000 with Valentine Corporation to Replace Three (3) Pumps at Lift Station No. 2 and Approve a Total Project Budget in an Amount Not-to-Exceed \$3,383,000 Oakland International Airport. **(Aviation/Engineering)**File ID: [\[138-21\]](#)Attachments: [Agenda Report](#)

- 6.2 Ordinance:** Approval of Various Amendments to Tariff No. 2-A, Effective July 1, 2021, to (a) establish certain non-containerized cargo wharfage rates; (b) increase rates for Space Assignments; (c) increase rates for the Port-owned Truck Parking/Container Depot facilities; (d) increase rates for events at the Middle Harbor Shoreline Park and clarify certain conditions of use; (e) add/remove cranes scheduled to be placed into/removed from service, including rates for new cranes; and (f) make various other administrative updates **(Maritime)**

File ID: [\[141-21\]](#)

Attachments: [Agenda Report](#)
[Exhibits A-F](#)

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 27, 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

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
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(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.