



Thursday, November 5, 2020

Board Room – 2nd Floor

The Public Portion Of The Meeting Will Begin At 2:15 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 participate in the meeting:

<https://portoakland.zoom.us/j/96003802968>

To join the meeting by Telephone:

US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 916 4477 9872

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 [one (2) Matters]," attached hereto)**

File ID: [\[334-20\]](#)

Attachments: [Agenda Report](#)

[Exhibit A](#)

[Exhibit B](#)

- 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 Port of Oakland

Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate

Under Negotiation: Price and Terms of Payment

File ID: [\[335-20\]](#)

- 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: [\[336-20\]](#)

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

Title: Port Attorney

File ID: [\[337-20\]](#)

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 Ordinance 4576**, 2nd Reading Of An Ordinance Approving Amendments To And The Restatement Of The Purchasing Authorities And Procedures Ordinance And Repealing All Prior Versions Thereof, And Adopting By Reference Chapter 2.12 Of The Oakland Municipal And Planning Code.

File ID: [\[339-20\]](#)

Attachments: [Ordinance 4576](#)

- 2.2 Ordinance 4577**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Lease With Pacific Layberthing South, LLC For Water And Land Area At Berth 68, For A Maximum Term Expiring On October 31, 2024, And Subject To The Port's Six-Month Termination And Relocation Right, Resulting In Average Annual Revenue Of Approximately \$476,000 And One-Time Reimbursement To Pacific Layberthing South, LLC Of Up To \$128,249 Located At The Howard Terminal.

File ID: [\[340-20\]](#)

Attachments: [Ordinance 4577](#)

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 Resolution:** Approval of the Issuance of the Port of Oakland Senior Lien Refunding Revenue Bonds 2020 Series R (Federally Taxable), and Port of Oakland Intermediate Lien Refunding Revenue Bonds 2021 Series H (AMT) (Forward Delivery); Redemption of all or a portion of the Revenue Bonds 2012 Series P (AMT), Department of Boating & Waterways Loan, and Revenue Bonds 2011 Series O (AMT); and authorization of Certain Related Actions and Documents. **(Finance & Admin)**

File ID: [\[306-20\]](#)

Attachments: [Agenda Report](#)

[Attachment A](#)

[Attachment A](#)

[Attachment B](#)

[Attachment B](#)

[Attachment C](#)

[Attachment C](#)

[Attachment D](#)

[Attachment D](#)

[Attachment E](#)

[Attachment E](#)

5. STRATEGY & POLICY

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

- 5.1 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. **(Port Attorney)**

File ID: [\[338-20\]](#)

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: (1) a Fourth Supplemental Agreement with West Yost Associates, Inc. in an Amount Not-to-Exceed \$320,000 for Design Services and (2) an additional \$75,000 in Contract Change Order Authority with Valentine Corporation for the Construction of Lift Station 2 Improvements Contract **(Engineering/Aviation)**
- File ID:** [\[323-20\]](#)
- Attachments:** [Agenda Report](#)
- 6.2 Resolution:** Authorize the Executive Director to enter into a Professional Services Agreement with Kimley-Horn and Associates, Inc. in an amount not to exceed \$709,000 to perform an update to the Oakland International Airport's (OAK) Airport Pavement Management System (APMS). **(Engineering/Aviation)**
- File ID:** [\[326-20\]](#)
- Attachments:** [Agenda Report](#)
- 6.3 Ordinance:** Approve and Authorize the Executive Director to Execute a First Amendment to the Lease with Shippers Transport Express, Inc. to Reduce the Lease Premises to Approximately 27 Acres, Modify Lease Provisions Related to Pavement Construction, Resulting in Average Annual Rent of Approximately \$4.2 Million through June 30, 2032, and Additional Operating Expense of up to \$150,000 for Dust Control Reimbursement. **(Maritime)**
- File ID:** [\[310-20\]](#)
- Attachments:** [Agenda Report](#)
- 6.4 Resolution:** Approve and Authorize the Executive Director to Execute a One-Year Extension to the Janitorial Services Agreement with ABM Industry Groups, LLC for Janitorial Services for 530 Water Street and Certain Other Port Assets for an Annual Fee of \$334,788 and a 5% Contingency Fee. **(CRE)**
- File ID:** [\[328-20\]](#)
- 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 November 19, 2020.

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.

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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.