



Thursday, October 13, 2022

Board Room – 2nd Floor

The Public Portion Of The Meeting Will Begin At 3:45 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.*

<https://portoakland.zoomgov.com/j/1607953330>

To join by Telephone:

US: +1 669 254 5252 or +1 669 216 1590 or +1 646 828 7666 or +1 551 285 1373

Webinar ID: 160 795 3330

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 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): 3:**

(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

(2) Capitol Corridor Joint Powers Authority v. City of Oakland, etc., et al., Alameda County Superior Court Case No. 22CV009309

(3) Union Pacific Railroad Company v. City of Oakland, etc., et al., Alameda County Superior Court Case No. 22CV009330

File ID: [\[316-22\]](#)

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 the Port of Oakland

Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate

Under Negotiation: Price and Terms of Payment

Property: Two Retail Programs Totaling (16) Retail Units; 2 Wine Bar Units located at Oakland International Airport; #1 Airport Drive, Oakland

Negotiating Parties: HG OAK Retail Concessionaires JV (Hudson Group, Arandia Designs, Maj Collection); Paradies Lagardere @ OAK, LLC (Paradies Lagardere, JR Lester and Associates, LTD); MRG Oakland, LLC (The Marshall Retail Group, Oaklandish, LLC and Silver Dragon Cafe, LLC), and the Port of Oakland

Agency Negotiator: Nyika Allen, Assistant Airport Director, and Linda Peng, Supervising Property Manager

Under Negotiation: Price and Terms of Payment

File ID: [\[317-22\]](#)

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: [\[318-22\]](#)

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

Title: Executive Director

File ID: [\[319-22\]](#)

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 Ordinance: Adoption of By-Laws and Administrative Rules as Chapter 2.01 of the Port of Oakland Administrative Code (POAC) By Amending and Restating Port Ordinance No. 4599. **(Port Attorney)**

File ID: [\[274-22\]](#)

Attachments: [Agenda Report](#)

[Attachment A](#)

[Attachment B \(Redline\)](#)

- 2.2 Ordinance:** Adoption of Code of Conduct for Commissioners as Chapter 2.02 of the Port of Oakland Administrative Code (POAC) By Amending and Restating Port Ordinance No. 4557. **(Port Attorney)**

File ID: [\[275-22\]](#)

Attachments: [Agenda Report](#)
[Attachment A](#)
[Attachment B \(Redline\)](#)

- 2.3 Ordinance:** Adoption of Procedures for Contracts with Former Board Members as Chapter 2.04 of the Port of Oakland Administrative Code (POAC) By Amending and Restating Port Ordinance No. 3667. **(Port Attorney)**

File ID: [\[276-22\]](#)

Attachments: [Agenda Report](#)
[Attachment A](#)
[Attachment B \(Redline\)](#)

- 2.4 Ordinance:** Adoption of Board Rules for Public Participation as Chapter 2.05 of the Port of Oakland Administrative Code (POAC) By Amending and Restating Port Ordinance No. 4127. **(Port Attorney)**

File ID: [\[277-22\]](#)

Attachments: [Agenda Report](#)
[Attachment A](#)
[Attachment B \(Redline\)](#)

- 2.5 Ordinance:** Adoption of Port of Oakland Sunshine Ordinance as Chapter 2.06 of the Port of Oakland Administrative Code (POAC) By Amending and Restating Port Ordinance No. 4265. **(Port Attorney)**

File ID: [\[278-22\]](#)

Attachments: [Agenda Report](#)
[Attachment A](#)
[Attachment B \(Redline\)](#)

- 2.6 Resolution:** Approval to Submit an Attestation of the Veracity of the Port's Power Source Disclosure Report and the Power Content Label to the California Energy Commission for Calendar Year 2023. **(Utilities)**

File ID: [\[291-22\]](#)

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

- 2.7 Resolution:** Authorization to the Executive Director to Enter Into a 2.5-Year Power Purchase Agreement with East Bay Municipal Utility District to Purchase Renewable Energy (**Utilities**)
File ID: [\[292-22\]](#)
Attachments: [Agenda Report](#)
- 2.8 Ordinance 4665,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute An Amendment To Space/Use Permit For Retail And Duty Free Concession With WDFG North America LLC (I) To Extend The Term Through January 31, 2023 For Approximately \$520,454.85 In Anticipated Revenues; (II) Grant The Executive Director The Authority To Extend The Term On An As-Needed Basis For Up To An Additional Five Months From February 1, 2023 Through June 30, 2023 For Approximately \$130,113.71/Month In Anticipated Revenues; And (III) To Waive Certain Restrictions In Resolution No. 16-144 - Resolution Approving A Restatement, Affirmation And Update To The Board's Policy For Awarding Concession And Customer Service Privileges At The Terminal Complex.
File ID: [\[320-22\]](#)
Attachments: [Ordinance 4665](#)
- 2.9 Ordinance 4666,** 2nd Reading Of An Ordinance Amending Port Of Oakland Ordinance No. 867 To Reassign The Salary Grade For The Senior Maritime Commercial Representative Classification From Salary Grade 586.2 To Salary Grade 515.1.
File ID: [\[322-22\]](#)
Attachments: [Ordinance 4666](#)
- 2.10 Minutes:** Approval of the Minutes of the Regular Meeting of July 21, 2022 and the Special Meeting of July 28, 2022. (**Board**)
File ID: [\[323-22\]](#)
Attachments: [July 21, 2022 Minutes](#)
[July 28, 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.

5. STRATEGY & POLICY

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

- 5.1 Information Report:** Proposed Revisions to Airport Rules and Regulations and Incorporation Into Port of Oakland Administrative Code (POAC)

File ID: [\[311-22\]](#)

Attachments: [Report](#)

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:** Authorization to Execute a Professional Services Agreement with Securitas Electronic Security, Inc. for Ongoing Maritime Security System Maintenance for an Initial Term of Two (2) years and Four (4) months with Two, Two-Year Options to Extend, for a Total Amount Not to Exceed \$1,200,000 **(Maritime)**

File ID: [\[308-22\]](#)

Attachments: [Agenda Report](#)

- 6.2 Resolution:** Authorize the Executive Director to (1) Enter Into a Contract with California Engineering Contractors, Inc. in an Amount Not-To-Exceed \$11,283,500.00 For The Construction of Berths 55-59 Wharf Upgrades, Inner Harbor, Oakland, California and (2) Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an amount Not-to-Exceed \$2,256,700.00. **(Maritime/Engineering)**

File ID: [\[295-22\]](#)

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.

ADJOURNMENT

The next Regular Meeting of the Board will be held on October 27, 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
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.