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Thursday, October 28, 2021

Board Room – 2nd Floor

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***The Public Portion Of The Meeting Will Begin At 4:30 p.m.***

### **COVID-19 PUBLIC PARTICIPATION**

*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 join the meeting:*

*<https://portoakland.zoomgov.com/j/1619925521>*

*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: 161 992 5521*

*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): 3 (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:** [\[329-21\]](#)

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

[Exhibit A](#)

- 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:** Various Properties In or Around the Former Oakland Army Base

**Negotiating Parties:** Various Property Owners and Tenants In or Around the Former Oakland Army Base and the Port of Oakland

**Agency Negotiator:** Bryan Brandes, Director of Maritime

**Under Negotiation:** Price and Terms of Payment

**File ID:** [\[330-21\]](#)

- 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:** [\[331-21\]](#)

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

**Title:** Port Attorney

**File ID:** [\[332-21\]](#)

**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:** Approval to Submit the 2021 Wildfire Mitigation Plan to the Wildfire Safety Advisory Board of California. **(Executive Office)**

**File ID:** [\[306-21\]](#)

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

**2.2 Ordinance 4620,** 2nd Reading Of An Ordinance Approving Amendment No. 3 To Conduit Use Agreement With Level 3 Telecom Of California, L.P., For A Term Of Three Years With Two Additional One-Year Extension Options, To Commence On December 1, 2021, For Operations At Oakland International Airport With Anticipated Total Revenues Of \$16,236 In Fiscal Year 2022.

**File ID:** [\[333-21\]](#)

**Attachments:** [Ordinance 4620](#)

**2.3 Ordinance 4621,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Fourth Amendment To Lease With GSC Logistics, Inc. For Premises Located On The 5th Floor Of 530 Water Street, Oakland, To Extend The Term Through June 30, 2025, Expand The Premises At The Same Location By An Additional Approximately 5,560 Square Feet, And Terminate The Temporary Rental Agreement For This Expansion Premises.

**File ID:** [\[334-21\]](#)

**Attachments:** [Ordinance 4621](#)

- 2.4 Report:** Report of Appointments, Separations and Leaves of Absence for FY 2021-22, 1st Quarter (July 1, 2021 - September 30, 2021). **(Fin & Admin)**

**File ID:** [\[249-21\]](#)

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

### 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:** Approve and Authorize the Executive Director and Chief Financial Officer to Execute the Partial Defeasance of Certain 2012 Series P, 2017 Series D, 2017 Series E, and 2021 Series H Bonds the Partial Redemption of Certain 2020 Series R Bonds, Repay an Additional \$5,882,000 of Outstanding Commercial Paper Notes, Approve the Attached Form of Escrow Agreement, and Take All Necessary Actions Related Thereto. **(Finance & Admin)**

**File ID:** [\[313-21\]](#)

**Attachments:** [Agenda 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 Resolution:** Authorize the Executive Director to Enter into a Contract with Oliver De Silva Inc. dba Gallagher & Burk Inc. in the Amount of \$3,275,670 and Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not-to-Exceed \$491,330 to Construct the Airport Drive Pavement Rehabilitation at OAK. **(Engineering/Aviation)**

**File ID:** [\[297-21\]](#)

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

- 6.2 Ordinance:** Authorization to Extend Space Assignment Agreements That Have Been in Effect for More Than One Year as of October 28, 2021, and Space Assignment Agreements That Are Likely To Be in Effect for More Than One Year as of December 31, 2021, Through December 31, 2022, Resulting in Annual Revenue of Approximately \$21 Million **(Maritime)**

**File ID:** [\[284-21\]](#)

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

- 6.3 Ordinance:** Approve and Authorize the Executive Director to Execute the Third Amendment to the Temporary Rental Agreement with West Oakland Pacific Railroad, LLC, to Provide Interim Switching Services at the Port's OHIT Phase 1 Yard for One Additional Year Through December 31, 2022, with One, 1-Year Option to Extend; Resulting in Fixed Rent of Approximately \$5,676 per Calendar Year Quarter and Variable Rent of Approximately \$142 per Rail Car in Excess of the Breakpoint **(Maritime)**

**File ID:** [\[324-21\]](#)

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

- 6.4 Ordinance:** Authorize the Executive Director to Execute an Amended and Fully Restated Lease with Pacific Layberthing South, LLC, for Water and Land Area at the Outer Harbor Terminal Berths 20-21, for a Maximum Term Expiring on March 31, 2027, Resulting in Average Annual Revenue of Approximately \$514,000 **(Maritime)**

**File ID:** [\[325-21\]](#)

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

- 6.5 Ordinance:** Approve and Authorize the Executive Director to Execute a License and Concession Agreement with Impact Transportation, LLC for the Premises Located at 516 Water Street, Oakland, for a Term of Five (5) Years, With One (1) Three-Year Option to Extend, for a Monthly Rent of \$4,264.91 **(CRE)**

**File ID:** [\[326-21\]](#)

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

- 6.6 Resolution:** Authorize the Executive Director to Enter into a Third Phase Agreement with Northern California Power Agency for the Purchase of Hydroelectric Energy from South Feather Water and Power Agency for a Term of 20 Years in an Amount Not-To-Exceed \$7,000,000. **(Executive Office)**

**File ID:** [\[321-21\]](#)

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

- 6.7 Resolution:** Approve and Authorize the Executive Director to Enter into a Professional Services Agreement with Elation Systems, Inc. for Five Years, With Three, One-Year Renewal Options, for the Web-Based Labor Compliance/Workforce Tracking System and Web-Based Living Wage Compliance System in a Total Amount Not to Exceed \$489,939 **(SRD)**

**File ID:** [\[283-21\]](#)

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

- 6.8 Resolution:** Approve and Authorize the Executive Director to Enter into an Agreement with Saitech Inc. to Procure Laptop Computers, Docking Stations, and Associated Services in an Amount Not to Exceed \$271,064.87, and Declaring as Surplus the Old Computers and Related Equipment. **(Information Technology)**

**File ID:** [\[300-21\]](#)

**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*

- 8.1 Resolution:** Adopting the Regular Board Meeting Schedule for Calendar Year 2022. **(Board)**

**File ID:** [\[328-21\]](#)

**Attachments:** [2022 Board Calendar](#)

## 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 November 18, 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](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  
530 Water Street, Oakland, CA 94607  
[dedgerly@portoakland.com](mailto: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.