



SUPPLEMENTAL BOARD AGENDA

Thursday, September 16, 2021

Board Room – 2nd Floor

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/s/1604086839>

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: 160 408 6839

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 (1) Matter]," attached hereto)**

File ID: [\[273-21\]](#)

Attachments: [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: 555 Maritime Street, #516, Oakland, CA 94607

Negotiating Parties: Unicold Corporation and the Port of Oakland

Agency Negotiator: Bryan Brandes, Director of Maritime, and Delphine Prevost, Maritime Manager Admin/Finance

Under Negotiation: Price and Terms of Payment

Property: Vicinity of 7th Street, generally between Maritime Street to the west and Interstate 880 to the east, Oakland, CA

Negotiating Parties: Union Pacific Railroad (UP), Alameda County Transportation Commission (ACTC), and Port of Oakland

Agency Negotiator: Bryan Brandes, Maritime Director

Under Negotiation: Price and Terms of Payment

File ID: [\[274-21\]](#)

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: [\[275-21\]](#)

1.4 PUBLIC EMPLOYEE APPOINTMENT - (Pursuant to California Government Code Section 54957):

Title: Chief Audit Officer

File ID: [\[276-21\]](#)

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 Ordinance: Approve and Authorize the Executive Director to Execute a Fifth Supplemental Agreement to a Lease with DASL, LLC for Premises Located at the Cost Plus Parking Lot Located at 101 Clay Street to Extend the Term Through October 31, 2022, at a Monthly Rental Rate of \$9,880 **(CRE)**

File ID: [\[259-21\]](#)

Attachments: [Agenda Report](#)

[Attachment](#)

[Ordinance Item 2.1](#)

- 2.2 Ordinance 4607**, 2nd Reading of An Ordinance Approving Oakland International Airport Hangar/Ramp Space Agreements With Multiple General Aviation Tenants, For A Five Year Term Commencing July 1, 2021, And Expiring June 30, 2026, With Anticipated Annual Revenues Of \$527,484, Operating At The North Field Of Oakland International Airport.

File ID: [\[238-21\]](#)

Attachments: [Ordinance 4607](#)

- 2.3 Ordinance 4608**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into A Second Amendment To Lease With Oakland Fuel Facilities Corporation (“OFFC”) To: (1) Authorize Adjusting The Method Of Calculating Annual Rent; (2) Recover Over A Three-Year Period \$1.09 Million Of Unbilled Prior-Year Rents; (3) Allow OFFC To Use Up To \$1.8 Million For Fuel-Related Capital Improvements On The Premises Currently Held By The Port Of Oakland (“Port”) In A Reserve Account Intended To Cover Certain Potential Environmental Monitoring And Remediation Expenses; And (4) Apply The Port’s Environmental Ordinance, Ordinance No. 4345 As It May Be Amended Or Restated From Time To Time, To The OFFC Lease.

File ID: [\[239-21\]](#)

Attachments: [Ordinance 4608](#)

- 2.4 Ordinance 4609**, 2nd Reading of An Ordinance Approving And Authorizing The Executive Director To Execute A Lease With GSC Logistics, Inc. For Approximately 14.9 Acres Of Land At The Berths 33-34 Backlands Through June 30, 2025, Resulting In Average Annual Revenue Of Approximately \$2,190,000 And Providing Up To \$364,998 For Reimbursement Of Certain Tenant Improvements.

File ID: [\[240-21\]](#)

Attachments: [Ordinance 4609](#)

- 2.5 Ordinance 4610**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Amend (1) The Non-Exclusive Preferential Assignment Agreements With SSA Terminals (Oakland), LLC For Berths 55-56 And Berths 57-59, (2) The Amended And Fully Restated Agreement Regarding Combined Compensation At Berths 55-56 And Berths 57-59 With SSA Terminals (Oakland), LLC And (3) The Non-Exclusive Preferential Assignment Agreement With SSA Terminals (Oakland), LLC For Berths 60-63 To Modify Reimbursement Terms Associated With Excess Crane Removal Work And Combine And Clarify Certain Rent Terms.

File ID: [\[241-21\]](#)

Attachments: [Ordinance 4610](#)

- 2.6 Minutes:** Approval of the Minutes of the Special Meeting of July 15, 2021 & the Regular Meeting of July 22, 2021 **(Board)**

File ID: [\[272-21\]](#)

Attachments: [July 15, 2021 Minutes](#)

[July 22, 2021 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 Report:** Oakland Container Shipping Market Dynamics and Terminal Operations **(Maritime)**

File ID: [\[270-21\]](#)

Attachments: [Report](#)

[Attachment](#)

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 Ordinance:** First Reading of an Ordinance to: (i) Extend the Term for One (1) Year in Amendment No. 6 to Space/Use Permit for Non-Exclusive In-Terminal Advertising Concession with Clear Channel Outdoor dba Clear Channel Airports at Existing Rent of 30% Gross Receipts; (ii) Waive the Restriction 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 at Oakland International Airport; and, (iii) Authorize the Executive Director to Execute Amendment No. 6 and any Other Necessary Agreements with Clear Channel. (1 Airport Drive) **(Aviation)**

File ID: [\[253-21\]](#)

Attachments: [Agenda Report](#)

[Ordinance Item 6.1](#)

- 6.2 Ordinance:** Adopt an Ordinance to (i) Approve the Terms and Conditions of a Space/Use Permit for Food & Beverage Concession with NFF Grewal, Inc. for Space at Oakland International Airport Under the Same Terms and Conditions as the Amended and Restated Space/Use Permit for Food & Beverage Concession Authorized with Four Other Food & Beverage Concessionaires, for a Term Expiring at the Latest on March 31, 2035; and (ii) Authorize its Execution by the Executive Director. **(Aviation)**

File ID: [\[254-21\]](#)

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

- 6.3 Ordinance:** Adoption of an Ordinance Approving a Third Amendment to Temporary Rental Agreement with City Health, a Medical Corporation, to Extend the Term to August 31, 2022, with Anticipated Annual Revenues of \$42,000, Operating at Oakland International Airport. **(Aviation)**

File ID: [\[255-21\]](#)

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

- 6.4 Resolution:** Authorize the Executive Director to Execute a Change Order to Demolish Crane X437 with Power Engineering Construction Company in an Amount Not-to-Exceed \$720,000 and increase the Executive Director's Authority to Execute Additional Change Orders to the Extent Necessary by \$100,000 to an Additional Amount Not-To-Exceed \$300,000. **(Engineering/Maritime)**

File ID: [\[261-21\]](#)

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 September 30, 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.