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Thursday, September 30, 2021

Board Room – 2nd Floor

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***The Public Portion Of The Meeting Will Begin At 4:00 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/1614365788>

*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: 161 436 5788

*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): 5 (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:** [\[292-21\]](#)

**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:** 2 Broadway (Scott's) and 510 Embarcadero West (Yoshi's)

**Negotiating Parties:** Scott's Jack London Seafood, Inc., Yoshi's Japanese Restaurant, Inc., and the Port of Oakland

**Agency Negotiator:** Pamela Kershaw, Director of Commercial Real Estate

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

**File ID:** [\[293-21\]](#)

- 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:** [\[294-21\]](#)

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

**Title:** Port Attorney

**File ID:** [\[295-21\]](#)

**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 Execute a No-Cost Access Agreement with the City of Oakland for the Port to Access, Operate, and Maintain Port Utility Infrastructure on City of Oakland Property. **(Maritime)**

**File ID:** [\[269-21\]](#)

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

- 2.2 Ordinance:** Approve and Authorize the Executive Director to Execute an Amendment Rider to an Existing Right of Way Contract with the State of California Department of Transportation and the East Bay Municipal Utility District for the Premises Located at Embarcadero near 5th Avenue in Oakland, to Extend the Term for Eighteen (18) Months commencing on July 14, 2022 for a Fee of \$9,900 **(CRE)**

**File ID:** [\[257-21\]](#)

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

- 2.3 Resolution:** Authorization of Certain Actions Pursuant to the Tax Equity & Fiscal Responsibility Act of 1982, in Connection with the Financing and Refinancing of Various Port Capital Improvements. **(Fin & Admin)**

**File ID:** [\[246-21\]](#)

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

- 2.4 Ordinance 4611**, 2nd Reading Of An Ordinance Approving And Authorizing 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.

**File ID:** [\[287-21\]](#)

**Attachments:** [Ordinance 4611](#)

- 2.5 Ordinance 4612**, 2nd Reading Of An Ordinance (I) Approving Amendment No. 6 To Space/Use Permit For Non-Exclusive In-Terminal Advertising Concession With Clear Channel Outdoor Dba Clear Channel Airports ("Clear Channel") To Extend The Term For One Year Through June 30, 2022, At Existing Rent Of 30% Gross Receipts, (II) Waiving 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) Authorizing The Executive Director To Enter Into Amendment No. 6 And Any Other Necessary Agreements With Clear Channel To Effect The Transaction.

**File ID:** [\[288-21\]](#)

**Attachments:** [Ordinance 4612](#)

- 2.6 Ordinance 4613**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Space/Use Permit For Food And Beverage Concession With NFF Grewal, Inc. ("Grewal") For Space At Oakland International Airport Under The Same Terms And Conditions As The Amended And Restated Space/Use Permit For Food And Beverage Concession Authorized With Four Other Food And Beverage Concessionaires, For A Term Expiring At The Latest On March 31, 2035.

**File ID:** [\[289-21\]](#)

**Attachments:** [Ordinance 4613](#)

- 2.7 Ordinance 4614**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into 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.

**File ID:** [\[290-21\]](#)

**Attachments:** [Ordinance 4614](#)

### 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:** Seaport Air Quality 2020 and Beyond Plan: Annual Progress Report (Year 2) **(Maritime)**

**File ID:** [\[201-21\]](#)

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

- 5.2 Resolution:** Seaport Air Quality 2020 and Beyond Plan Year Two (2021) Recommendations: Add West Oakland Environmental Indicators Project “Prescott Greening/Living Buffer” project to the 2020 and Beyond Plan as a “Related Project” Add Two New Implementing Actions to the Near Term Action Plan: 1) Require Cleaner Dredging and 2) Support Hydrogen Fuel Cell Demonstration Project; Authorize \$10,000 in FY 2022 to support the existing National Oceanic and Atmospheric Administration Vessel Speed Reduction Program **(Maritime)**

**File ID:** [\[215-21\]](#)

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

- 5.3 Report:** Proposed Revisions to Port of Oakland Environmental Ordinance No. 4345. **(Port Attorney)**

**File ID:** [\[173-21\]](#)

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

[Redline Ordinance](#)

[Environmental Ordinance](#)

## 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:** Approve and Authorize Executive Director to Enter into Contract with Arthur D. Little Inc. for Air Service Development Consulting Services for five years in the amount to not exceed \$600,000; and Approve and Authorize the Executive Director to enter into contract with The Route Hunters for Air Service Development Consulting Services for five years in the amount not to exceed \$150,000. **(Aviation)**

**File ID:** [\[262-21\]](#)

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

- 6.2 Resolution:** Approve and Authorize the Executive Director to Execute an Agreement with Chen Design Associates, Inc., for Creative Advertising and Design Services for the Oakland International Airport for a Term of Three Years with Two, One-Year Options to Extend, in a Total Amount Not to Exceed \$2,250,000. **(Aviation)**
- File ID:** [\[263-21\]](#)
- Attachments:** [Agenda Report](#)
- 6.3 Ordinance:** First Reading of an Ordinance Approving an Amendment to Airline Operating Agreement with Nineteen Passenger and Cargo Airlines, and an Amendment to Space/Use Permit with Nine of Those Passenger Airlines Serving Oakland International Airport, for a Term of Five Years and Generating Anticipated Revenues of \$128± Million in FY2021-22. **(Aviation)**
- File ID:** [\[260-21\]](#)
- Attachments:** [Agenda Report](#)
- 6.4 Resolution:** Approve and Authorize the Executive Director to Amend an Existing Contract with Turner Construction Company, Inc. to add Prime Contractor Services to Rehabilitate the Terminal 2 Roof Drainage System for a Guaranteed Maximum Price Not-to-Exceed \$1,433,000. **(Engineering/Aviation)**
- File ID:** [\[251-21\]](#)
- Attachments:** [Agenda Report](#)
- 6.5 Ordinance:** Approval of the 9th Supplemental Agreement with BNSF Railway Company at the Joint Intermodal Terminal to Extend the Lease to December 31, 2024; Modify Compensation Resulting in \$3.8 Million of Additional Fixed Revenue; and Modify Certain Deferred Maintenance Obligations **(Maritime)**
- File ID:** [\[245-21\]](#)
- Attachments:** [Agenda Report](#)
- 6.6 Ordinance:** Approve and Authorize the Executive Director to Enter into a Lease with Unicold Corporation for Approximately 3.6 Acres of Combined Warehouse, Office and Yard Space for a Term Expiring on June 30, 2039, Resulting in Average Annual Rent of Approximately \$1.1 Million, with One 5-Year Option to Extend **(Maritime)**
- File ID:** [\[252-21\]](#)
- Attachments:** [Agenda Report](#)
- 6.7 Resolution:** Supporting The Raising Of The United Nations Flag On The United Nations Flagpole At Jack London Square And Commending The United Nations Association - USA Chapter. **(Board)**
- File ID:** [\[286-21\]](#)
- Attachments:** [Resolution UN Flag Raising](#)

**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 14, 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.