



## PORT OF OAKLAND

### SUPPLEMENTAL BOARD AGENDA

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Thursday, July 23, 2020

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

*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/92978522969>*

*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: 929 7852 2969*

*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): 1 (additional information provided on the Closed Session Agenda Report, "Potential Litigation Under California Government Code Section 54956.9 [One (1) Matters]," attached hereto)**

File ID: [\[253-20\]](#)

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

- 1.2 CONFERENCE WITH REAL PROPERTY NEGOTIATOR** - (Pursuant to California Government Code Section 54956.8)

**Property:** Outer Harbor Terminal Berths 20-22, Oakland, CA

**Negotiating Parties:** Eagle Rock Aggregates, Inc. and Port of Oakland

**Agency Negotiator:** Bryan Brandes, Director of Maritime; Eric Napralla, Chief Wharfinger

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

**Property:** Oak to Ninth District Properties (Brooklyn Basin), Oakland, CA

**Negotiating Parties:** City of Oakland and Zarsion-OHP LLC and the Port of Oakland

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

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

**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: [\[254-20\]](#)

**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:** [\[255-20\]](#)

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

**Title:** Port Attorney

**File ID:** [\[256-20\]](#)

**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 Building Permit:** for High Flying Foods for Tenant Improvements, Subway, 1 Airport Drive, OAK

**File ID:** [\[248-20\]](#)

**Attachments:** [5285 Permit](#)  
[Resolution Item 2.1](#)

**2.2 Building Permit:** for United Parcel Service for Tenant Improvements, AIA, 1 Airport Drive, OAK

**File ID:** [\[249-20\]](#)

**Attachments:** [Supplemental Permit 5305](#)  
[Resolution Item 2.2](#)

- 2.3 Ordinance 4569**, 2nd Reading Of An Ordinance (I) Approving Amendment No. 5 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 Through June 30, 2021, At 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. 5 And Any Other Necessary Agreements With Clear Channel.

**File ID:** [\[257-20\]](#)

**Attachments:** [Ordinance 4569](#)

- 2.4 Ordinance 4570**, 2nd Reading Of An Ordinance Approving An Amendment To Space/Use Permit With Each Of The Four Food And Beverage Concessionaires - HFF Oak Venture, LLC; Rylo Management, LLC; Soaring Food Group, LLC; And SSP America Oak, LLC (“SSP”) - To: (I) Waive Monthly Payment Of Minimum Annual Guarantee Retroactively From January 1, 2020, Through December 31, 2020 (Extension Of The Rent Commencement Dates To January 1, 2021); (II) Waive Required Payments Into The Marketing And Mid-Term Refurbishment Funds; (III) Defer Payment Of Percentage Rentals With Deferred Amounts Due By December 31, 2020; (IV) Add 1,636 Square Feet To SSP’s Assigned Space At An Initial Monthly Rent Of \$9,253; And, (V) Formally Incorporate Two Units Into The Definition Of Assigned Space For HFF Oak Venture, LLC And SSP At Oakland International Airport.

**File ID:** [\[258-20\]](#)

**Attachments:** [Ordinance 4570](#)

- 2.5 Ordinance 4571**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute Amendments To Provide Short Term Rent Deferral And Abatement Consistent With The Commercial Real Estate Rent Relief Program For The Following Lessees Directly Impacted By The Alameda County Shelter In Place Order: Yoshi’s Japanese Restaurant, Inc.; I Scream Scoops, LLC; Backyard Oakland, LLC; Brotzeit-Lokal LLC; United Food Solutions; And Scott’s Jack London Seafood, Inc.

**File ID:** [\[259-20\]](#)

**Attachments:** [Ordinance 4571](#)

- 2.6 Report:** Actions Taken by the Executive Director under Authority Granted by the Board of Port Commissioners per Resolution 20-30 (**Executive Office**)

**File ID:** [\[251-20\]](#)

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

- 2.7 **Report:** Report of Appointments, Separations and Leaves of Absence for FY 2019-20, 4th Quarter (April 1, 2020 - June 30, 2020). **(Finance & Admin)**

File ID: [\[051-20\]](#)

Attachments: [Report](#)

- 2.8 **Minutes:** Approval of the Minutes of the Regular Meeting of May 28, 2020. **(Board)**

File ID: [\[260-20\]](#)

Attachments: [May 28, 2020 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.*

- 4.1 **Report:** Unaudited Financials for 11 months ended May 31, 2020. **(Finance & Admin)**

File ID: [\[052-20\]](#)

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

### 5. STRATEGY & POLICY

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

- 5.1 **Resolution:** Seaport Air Quality 2020 and Beyond Plan Year One (2020) Annual Progress Report; Recommendation to approve updates to the Near-Term Action Plan (Years 2019-2023) to include two West Oakland Community Action Plan (“WOCAP”) strategies to establish dedicated truck parking area and facilitate tug retrofits using Bay Area Air Quality Management District (“BAAQMD”) financial incentives; Recommendation to direct Port staff to prepare a plan to implement proposed new Intermediate-Term Equipment Goals for all new rubber-tired gantry cranes to be hybrid or zero-emissions and all new off-dock yard tractors to be zero-emissions and to accelerate the goal for zero-emissions drayage trucks. **(Environmental)**

File ID: [\[232-20\]](#)

Attachments: [Agenda Report](#)  
[Resolution Item 5.1](#)

## 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:** Approval and Authorization for the Airport Perimeter Dike Improvements (Phase 1B) Project: Approve Additional Project Budget and Delegated Authority to Execute Contract Change Orders of \$2,000,000 with O.C. Jones & Sons, Inc. for the Import of Fill Material from Off-Site Locations **(Aviation)**

**File ID:** [\[250-20\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 6.1](#)

- 6.2 Resolution:** Resolution to Approve a Three-Year Professional Services Agreement with The Alliance, Inc. which will do business in California as Alliance to: (i) Provide Design Review and Program Implementation Assistance for the Food & Beverage and Retail & Duty-Free Concessions Programs; (ii) Waive Formal Competitive Procurement as Provided Under Section 7(B) of Ordinance No. 4321; and (iii) Authorize the Executive Director to Execute the Professional Services Agreement with Alliance. (1 Airport Drive). **(Aviation)**

**File ID:** [\[211-20\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 6.2](#)

- 6.3 Resolution:** Authorize the Executive Director to Enter into a Contract with DeSilva Gates Construction LP in an Amount Not to Exceed \$11,121,221 for the Taxiway Victor and Taxiway Bravo (Phase 1) Pavement Rehabilitation Project; Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not to Exceed \$1,112,000; and Authorize the Executive Director to Execute a Supplemental Agreement with Orion Engineers and Associates in an Amount Not to Exceed \$200,000 for Design Support Services During Construction. **(Engineering/Aviation)**

**File ID:** [\[215-20\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution Item 6.3](#)

- 6.4 Resolution:** For the Outer Harbor Intermodal Terminal Phase 2 Interim Use Yard Paving Project (i) Approve a Total Project Budget in an Amount Not-To-Exceed \$11,579,644; (ii) Authorize the Executive Director to Enter Into a Contract with O.C. Jones & Sons in an Amount Not-To-Exceed \$8,478,870; and (iii) Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not-to-Exceed \$1,845,774. **(Engineering/Maritime)**

**File ID:** [\[231-20\]](#)

**Attachments:** [Agenda Report](#)  
[Resolution 6.4](#)

- 6.5 Resolution:** Approve and Authorize the Relinquishment of Control of a Portion of the Port Area to the City Council to Facilitate the Transfer of Ownership of Open Space Properties Developed as Part of the Oak to Ninth District Project from the Port of Oakland to the City of Oakland **(CRE)**

**File ID:** [\[241-20\]](#)

**Attachments:** [Agenda Report](#)  
[Attachment](#)  
[Resolution Item 6.5](#)

## 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 September 10, 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](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.