



## **PORT OF OAKLAND**

*530 Water Street  
Oakland, California 94607  
510.627.1696*

### **Board Agenda**

**Thursday, September 22, 2016**

**1:00 PM**

**Board Room – 2nd Floor**

[www.portofoakland.com](http://www.portofoakland.com)

***The Public Portion Of The Meeting Will Begin At 3:00 p.m.***

**ROLL CALL**

*Commissioner Cluver, Commissioner Hamlin, Commissioner Martinez, Commissioner Yee, 2nd Vice-President Story, 1st Vice President Butner and President Colbruno.*

**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):

*Yvette Nixon v. Port of Oakland; WCAB No. ADJ8739572*

**File ID:** [280-16]

**1.2 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** (Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of California Government Code Section 54956.9): **Number of Matter: 1**

**File ID:** [281-16]

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

**Property:** Berths 25-33 and Portions of Berth 24 (Port of Oakland)

**Negotiating Parties:** TraPac, LLC; and Port of Oakland

**Agency Negotiator:** John Driscoll, Director of Maritime

**Under Negotiation:** NEPAA for Berths 25-33 (and portions of Berth 24), Price and Terms of Payments, Various Others

**Property:** Maritime Street, Oakland (Approx. 27 acres, former Oakland Army Base)

**Negotiating Parties:** CenterPoint Properties, and Port of Oakland

**Agency Negotiator:** John Driscoll, Director of Maritime

**Under Negotiation:** Price and Terms of Lease and Development

**File ID:** [282-16]

**1.4 CONFERENCE WITH LABOR NEGOTIATORS** - (Pursuant to California Government Code Section 54957.6)

**Unrepresented Employee:** Unit H

**File ID:** [283-16]

**OPEN SESSION/ROLL CALL**

*Commissioner Cluver, Commissioner Hamlin, Commissioner Martinez, Commissioner Yee, 2nd Vice-President Story, 1st Vice President Butner and President Colbruno.*

**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:** Modification of Existing Maintenance Agreement with Vancouver Airport Authority to Provide Seven Years of Second Level Support and Software Updates at Oakland International Airport to adjust for payment of required California State Sales Tax. **(Aviation)**

**File ID:** [\[249-16\]](#)

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

**2.2 Resolution:** Adopt a Resolution Approving Supplement No.1 to the Amended and Restated Northern California Power Agency (NCPA) Joint Powers Agreement, Adding the City of Shasta Lake as a Party to NCPA. **(Engineering)**

**File ID:** [\[270-16\]](#)

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

[Attachment A](#)

**2.3 Ordinance:** Approval of a First Amendment to the Temporary Right of Entry and Construction Access Agreement with the City of Oakland for Reconstruction of the Embarcadero Bridge **(CRE)**

**File ID:** [\[275-16\]](#)

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

[Exhibit A](#)

- 2.4 Ordinance 4390**, 2nd Reading Ordinance Approving Third Supplemental Agreement To Right Of Way Use Permit Agreement (Offshore) And Termination Of Prior Onshore Agreements And Lease With Shell Oil Company Covering A Pipeline Right Of Way And Land Adjacent To Oakland International Airport (17.273 +- Acres Plus 1,020+- Square Feet) With An Initial Annual Rent Of \$24,000 Plus A One-Time Payment Of \$100,000 For An Approximate Twenty-Three (23) Year Term Expiring On June 30, 2039.

**File ID:** [\[284-16\]](#)

**Attachments:** [Ordinance 4390](#)

- 2.5 Ordinance 4391**, 2nd Reading Of An Ordinance Approving An Amendment To Airline Operating Agreement Each With Twenty-Three Airlines And An Amendment To Annex "A" Space/Use Permit With Ten Of Those Airlines.

**File ID:** [\[285-16\]](#)

**Attachments:** [Ordinance 4391](#)

- 2.6 Ordinance 4392**, 2nd Reading Of An Ordinance Approving An Increase To The Target Rental Rates As Described In Exhibit C And A 3% Increase To Holdover Rents For Applicable Properties Within The Commercial Real Estate Division Portfolio And Authorizing The Executive Director To Negotiate And Execute Agreements Or Adjust Existing Agreements Accordingly.

**File ID:** [\[286-16\]](#)

**Attachments:** [Ordinance 4392](#)

- 2.7 Ordinance 4393**, 2nd Reading Of An Ordinance Amending Section 5.002 Of Port Ordinance N0. 867 To Reassign The Human Resources Manager Classification From Salary Grade 883f To Salary Grade 567.

**File ID:** [\[287-16\]](#)

**Attachments:** [Ordinance 4393](#)

- 2.8 Minutes:** Approval of the Minutes for the Regular Meetings of June 23, 2016, July 14, 2016, July 28, 2016 and September 8, 2016.

**File ID:** [\[291-16\]](#)

**Attachments:** [June 23, 2016 Minutes.pdf](#)

[July 14, 2016 Minutes.pdf](#)

[July 28, 2016 Minutes.pdf](#)

[September 9, 2016 Minutes.pdf](#)

### 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 to Enter into Two Agreements with Great-West Life & Annuity Insurance Company Related to the Port's Deferred Compensation Plan: (i) Restated Administrative Services Agreement to Provide Recordkeeping and Administrative Services for 5-years beginning January 1, 2017 plus one 3-year Renewal Option and (ii) revised Group Deferred Stable Asset Fund Annuity Contract effective January 1, 2017 or sooner; and Waive Competitive Bidding for Recordkeeping Services. **(Finance & Admin)**

**File ID:** [\[246-16\]](#)

Attachments: [Agenda Report](#)

- 4.2 Resolution:** Approval to Reimburse the City of Oakland for General Services and Lake Merritt Trust Services Rendered in Fiscal Year 2015-16. **(Finance & Admin)**

**File ID:** [\[273-16\]](#)

Attachments: [Agenda Report](#)

#### 5. STRATEGY & POLICY

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

- 5.1 Resolution:** Approval of Port-Wide Records Retention Schedules, and Repealing and Enacting Resolution Authorizing Destruction of Records. **(Port Attorney)**

**File ID:** [\[278-16\]](#)

Attachments: [Agenda Report](#)

[Exhibit A - Records Retention Schedules](#)

#### 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 bid and award as-needed contracts for Paving, Grading Associated General Contractor Services, Service for Various Elevators, Escalator Moving Walkways, Reconditioning, Maintaining and Repairing Crane Rails, and Fencing, Inspecting and Cleaning Sanitary Sewers and Storm Drains, and Maintenance and Landscaping at Middle Harbor Shoreline Park; authorization for the Executive Director to resolve bid protests associated with these actions; authorization to extend contracts for as-needed Electrical, Mechanical and Low Voltage Systems for a maximum period of 12 months; authorization to increase the expenditure limits for three on-call environmental compliance services contracts by \$200,000 each; and a Report on Fiscal Year 2016 on-call contract usage. **(Engineering)**

**File ID:** [\[248-16\]](#)

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

- 6.2 Ordinance:** Authorize the Executive Director to Enter into a Lease Agreement with U.S. Customs and Border Protection for Office and Parking Space for a Period of up to One Year with Six, One-Year Options to Extend **(Maritime)**

**File ID:** [\[255-16\]](#)

**Attachments:** [Agenda Report](#)  
[CBP Lease Exhibit A](#)  
[CBP Lease Exhibit B](#)  
[CBP Lease Exhibit C](#)  
[CBP Lease Exhibit D](#)  
[CBP Lease Exhibit E](#)

- 6.3 Resolution:** Capital Budget Authorization of \$1,642,000 to Procure Equipment for Use by Aviation and Engineering Divisions; Designation of Existing Equipment as Surplus because it's either Inadequate, Obsolete or Worn-Out and Approval to Sell, Donate, or Dispose of Such Property **(Aviation)**

**File ID:** [\[260-16\]](#)

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

- 6.4 Resolution:** Approval of the Fifth Supplemental Agreement to Increase Maximum Compensation and Revise Scope of Work of the Agreement with URS Corporation for Engineering Design Services for the Phase 1 Implementation of the Airport Perimeter Dike Improvement Project. **(Aviation)**

**File ID:** [\[274-16\]](#)

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

- 6.5 Ordinance:** Adoption of an Ordinance to Rename Port-owned “Chung King St.” to “Vukasin Way” to honor former Port Commissioner, George Vukasin **(Board)**

**File ID:** [\[276-16\]](#)

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

[Maps](#)

## **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 October 13, 2016.*

## 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, John Betterton, at: (510) 627-1696, or visit our web page at: [www.portoakland.com](http://www.portoakland.com)  
<<http://www.portoakland.com>>

To receive Port Agendas and Agenda Related Materials by email, please email your request to: [jbetterton@portoakland.com](mailto:jbetterton@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.

John Betterton, Secretary of the Board  
530 Water Street, Oakland, CA 94607  
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(510) 627-1696

### 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 Assistant Secretary of the Board no later than five working days prior to the scheduled meeting date.

Daria Edgerly, Assistant Secretary of the Board  
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(510) 627-1337

### Scented Products

Please refrain from wearing scented products to this meeting so attendees who experience chemical sensitivities may attend



## **Commissioner's 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.