



Thursday, September 28, 2017

Board Room – 2nd Floor

The Public Portion Of The Meeting Will Begin At 4:00 p.m.

ROLL CALL

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

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 REAL PROPERTY NEGOTIATOR - (Pursuant to California Government Code Section 54956.8)

Property: Berths 35-38, Port of Oakland

Negotiating Parties: Everport Terminal Services, Inc. and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Price and Terms of Lease

Property: Oakland International Container Terminal (Berths 55-59) - 1717 Middle Harbor Road and Matson Terminal (Berths 60-63) - 1579 Middle Harbor Road, Port of Oakland

Negotiating Parties: SSA Terminals, LLC and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Price and Terms of Payment

File ID: [287-17]

1.2 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 Matters 2

West Oakland Environmental Indicators Project Title VI Complaint: DOT#2017-0093, EPA File Nos. 13R-17-R9 (City of Oakland) and 14R-17-R9 (Board of Port Commissioners and Port of Oakland)

Material Management Plan Site at Oakland International Airport

File ID: [288-17]

- 1.3 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 Matters 2

File ID: [289-17]

- 1.4 CONFERENCE WITH LABOR NEGOTIATORS** (Pursuant to California Government Code Section 54956.6):

- 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

File ID: [290-17]

- 1.5 PUBLIC EMPLOYMENT** (Pursuant to California Government Code Section 54957):

- Secretary of the Board

File ID: [291-17]

OPEN SESSION/ROLL CALL

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

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 4435**, 2nd Reading Of An Ordinance Approving Sixth Supplemental Lease Agreement With The United States Of America, Department Of Transportation, Federal Aviation Administration At Oakland International Airport To Extend Occupancy For Ten Years And For No Monetary Consideration. **(Board)**

File ID: [\[280-17\]](#)

Attachments: [Ordinance 4435](#)

- 2.2 Ordinance 4436**, 2nd Reading Of An Ordinance Authorizing And Approving A First Amendment To The Lease With U.S. Customs And Border Protection For Office And Land Space At 700 Maritime Street Within The Port Area. **(Board)**

File ID: [\[281-17\]](#)

Attachments: [Ordinance 4436](#)

- 2.3 Ordinance 4437**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Lease Amendment With Backyard Oakland, LLC To Allow A One Time Rent Payment Schedule Adjustment For Property Located At Oak Street And Embarcadero Road In Oakland. **(Board)**

File ID: [\[282-17\]](#)

Attachments: [Ordinance 4437](#)

- 2.4 Ordinance 4438**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into A 15-Month Temporary Rental Agreement With Pacific Gas & Electric ("PG&E") For Construction Staging At Livingston Street And Embarcadero Road, Oakland, California. **(Board)**

File ID: [\[283-17\]](#)

Attachments: [Ordinance 4438](#)

- 2.5 Ordinance 4439**, 2nd Reading Of An Ordinance Approving Space/Use Permit With Total Airport Services, LLC Operating At Oakland International Airport For A Term Of Approximately Five Years With An Estimated Annual Revenue Of \$376,000. **(Board)**

File ID: [\[284-17\]](#)

Attachments: [Ordinance 4439](#)

- 2.6 Ordinance 4440**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To: (1) Extend The Lease With SSA Terminals (Oakland), LLC For An Approximately 14 Acre Parcel In The Roundhouse Area Through April 15, 2018; (2) Extend The Temporary Assignment By SSA Terminals, LLC Of An Approximately 19 Acre Parcel From The Berths 60 63 Marine Terminal To SSA Terminals (Oakland), LLC At The Berths 55 59 Marine Terminal Through April 15, 2018; And (3) Waive \$67,470 In Charges Owed By Matson Navigation Company, Inc. For The Use Of Howard Terminal From May 1, 2017 Through June 2, 2017. **(Board)**

File ID: [\[285-17\]](#)

Attachments: [Ordinance 4440](#)

- 2.7 Ordinance 4441**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute An Amendment To The License And Concession Agreement With United Parcel Service, Inc. To Expand From Approximately 3.5 Acres To 6.5 Acres The Premises Located At The Southwest Corner Of Doolittle Drive And Swan Way, Oakland. **(Board)**

File ID: [\[286-17\]](#)

Attachments: [Ordinance 4441](#)

- 2.8 Minutes:** Approval of the Minutes of the Special Meeting of September 5, 2017.

File ID: [\[271-17\]](#)

Attachments: [September 5, 2017 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.

- 3.1 Resolution:** Authorize: A Project Budget Increase of \$443,000 for the Airport Perimeter Dike (APD) Improvement Project; Execution of a Sixth Supplemental Agreement with URS Corporation/AECOM for an additional \$220,000 for Engineering Design and Construction Support Services for the Phase 1 Implementation of the APD Improvement Project; and Purchase up to \$1,235,000 of Wetland Mitigation Credits. **(Aviation)**

File ID: [\[270-17\]](#)

Attachments: [Agenda Report](#)

- 3.2 Resolution:** Approve Additional Project Budget of \$7.1 million; Delegate Authority to Approve Plans, Specifications, and Project Manual to the Director of Engineering; and Authorize the Executive Director to Enter into a Contract with Oliver DeSilva, Inc. DBA Gallagher and Burk, Inc. in the amount of \$10,987,390 for the Rail Infrastructure at the Maritime Support Center ("MSC") Oakland, California Project. **(Engineering/Maritime)**

File ID: [\[240-17\]](#)

Attachments: [Agenda Report](#)

- 3.3 Resolution:** Approve and Authorize the Executive Director to Enter Into a Supplemental Industry Track Agreement with the Union Pacific Railroad Company to Construct, Maintain, and Operate Additional Track Necessary to Provide Rail Service to Cool Port Oakland, LLC and Unicold Corporation at the Maritime Support Center at a Cost of \$158,000. **(Maritime)**

File ID: [\[274-17\]](#)

Attachments: [Agenda Report](#)

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 Ordinance:** Amending and Restating Rules and Regulations for Oakland International Airport, Including Amendments to Transportation Network Company (“TNC”) Provisions and Ground Transportation Fees, To Be Effective January 1, 2018, and Extending TNC Commercial Ground Transportation Non-Exclusive Operating Permits with Rasier-CA, LLC (dba Uber), Lyft, Inc., and Tickengo, Inc. (dba Wingz) Through December 31, 2017. **(Aviation)**

File ID: [\[279-17\]](#)

Attachments: [Agenda Report](#)
[Exhibit A](#)
[Exhibit B](#)

- 5.2 Ordinance and Resolution:** Approve and Authorize Executive Director to Enter Into a Ground Lease with CenterPoint-Oakland Development I, LLC, for the Design, Construction, Finance, Operation (including sublease), and Maintenance of a Transload and Distribution Facility, On Approximately 27 Acres of Land on the Former Oakland Army Base, with a Term of 66 Years and Initial Fixed Rent of Approximately \$1.3 million per Year; Make Findings and Determination Pursuant to the California Environmental Quality Act; Approve a Budget of \$1 million for Certain Utility-Related Expenditures; and Approve the Operations Jobs Policy for Inclusion in the Ground Lease **(Maritime)**

File ID: [\[249-17\]](#)

Attachments: [Agenda Report](#)

- 5.3 Resolution:** Cooperation Agreement Among the Port of Oakland and Specified Oakland Community-Based Organizations for the Seaport Logistics Project **(SRD)**

File ID: [\[252-17\]](#)

Attachments: [Agenda Report](#)
[Attachment A](#)
[Attachment B](#)

- 5.4 Ordinance:** Approve and Authorize the Executive Director to Enter Into a First Supplemental Agreement with TraPac, LLC, for the Berths 25-33 Marine Terminal, to Modify Compensation, Capital Improvement Obligations, and Other Terms, Resulting in Minimum Annual Average Rent of \$17.6 Million **(Maritime)**.

File ID: [\[273-17\]](#)

Attachments: [Agenda Report](#)

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: a Construction Budget of \$3,845,000, the Director of Engineering to Approve Plans and Project Manual, and Award of the Construction Contract to SilMan Construction, Inc. for \$2,834,793.09 for the Terminal 1 Electric Ground Service Equipment Charging Stations Project, Oakland International Airport. **(Aviation)**

File ID: [\[268-17\]](#)

Attachments: [Agenda Report](#)

- 6.2 Resolution:** Delegation of Authority to the Executive Director (1) to Enter into a Pt Agreement with Creative Bus Sales, Inc. to Procure Nine (9) 32-foot Ford El Dorado C Minibuses at a Cost Not to Exceed \$1,484,000, and (2) to Designate and Dispose Surplus 13 Existing Shuttle Buses from the Airport's Fleet. **(Aviation)**

File ID: [\[267-17\]](#)

Attachments: [Agenda Report](#)

- 6.3 Ordinance:** Amendment of Port Ordinance No. 867 to Add One New Classification and to Assign the Classification to Existing Salary Grade: Workforce Development Manager - Salary Grade 543.7. **(Finance & Admin)**

File ID: [\[110-17\]](#)

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

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 12, 2017.

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

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.

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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.

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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