



## BOARD AGENDA

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Thursday, May 9, 2019

Board Room – 2nd Floor

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***The Public Portion Of The Meeting Will Begin At 3:30 p.m.***

### ROLL CALL

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

### 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:** 1195 Middle Harbor Road, Oakland, CA

**Negotiating Parties:** CyberTran International, Inc. and Port of Oakland

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

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

**Property:** 1599 Maritime Street (Berths 20, 21, & 22) - Oakland, CA

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

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

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

**Property:** One Market Street, Oakland, CA (Howard Terminal)

**Negotiating Parties:** Oakland Athletics and Port of Oakland

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

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

**File ID:** [119-19]

#### 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**

**File ID:** [120-19]

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

**Title:** Executive Director

**File ID:** [121-19]

**OPEN SESSION/ROLL CALL**

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

**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 4517**, 2nd Reading Of An Ordinance Approving A Second Amendment To Space Use Permit For Non-Exclusive Rental Car Concession With Avis Budget Car Rental, LLC; Enterprise Rent A Car Company Of San Francisco; Fox Rent A Car, Inc.; And The Hertz Corporation To (I) Amend The Minimum Annual Guarantee For Year 1, (Ii) Waive The Year 1 Annual Report Deadline, (Iii) Issue A Rent Credit For Expansion Space For The Months Of November And December Of 2017, And (Iv) Extend The Due Date For All Reimbursement Requests From Customer Facility Charges.

**File ID:** [\[125-19\]](#)

**Attachments:** [Ordinance 4517](#)

- 2.2 Ordinance 4518**, 2nd Reading Of An Ordinance (I) Approving Amendment No. 4 To Space/Use Permit For Non-Exclusive In-Terminal Advertising Concession With Clear Channel Outdoor Dba Clear Channel Airports To Extend The Term Until June 30, 2020 With Guaranteed Monthly Rent Of \$10,000, (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, (Iii) Consenting To The Corporate Restructuring Of Clear Channel, And (Iv) Authorizing The Executive Director To Enter Into Amendment No. 4 And Any Other Necessary Agreements With Clear Channel.

**File ID:** [\[124-19\]](#)

**Attachments:** [Ordinance 4518](#)

- 2.3 Report:** Awards of Public Works and Professional Services Contracts by the Executive Director for the Period from January 2019 through March 2019. **(Engineering)**

**File ID:** [\[091-19\]](#)

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

### 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:** FY 2020 Operating and Capital Budget Update #2. **(Finance & Admin)**

**File ID:** [\[097-19\]](#)

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

### 5. STRATEGY & POLICY

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

### 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 the Executive Director to execute a Third Supplemental Agreement with Oakland Fire Services Administration to extend the existing Memorandum of Understanding (MOU) for Aircraft Rescue and Fire Fighting one (1) year through June 30, 2020. **(Aviation)**

**File ID:** [\[101-19\]](#)

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

- 6.2 Ordinance:** Approval of Various Amendments to Tariff No. 2-A, Effective July 1, 2019, to (a) Increase Certain Dockage Rates, Reduce Other Certain Dockage Rates, and Increase Certain Non-Containerized Cargo Wharfage Rates, Resulting in No Incremental Revenue at this Time; (b) Increase Space Assignment Rates, Resulting in Estimated Incremental Revenue of About \$600,000 Annually; (c) Establish Fees for the Comprehensive Truck Management Plan Port Registry, Resulting in Incremental Annual Revenue of About \$595,000 in FY 2019-20 and \$420,000 thereafter; (d) Establish Rates for Port-Owned Truck Parking/Container Depot Facilities, Resulting in Estimated Incremental Revenue of \$700,000 Annually; (e) Update Electric Utility Service Provisions, Including Formal Establishment of a Common Area Electric Utility Assessment, Which Already Generates About \$339,500 Annually; (f) Establish Rules and Fees for the Middle Harbor Shoreline Park Resulting in No Incremental Revenue at this Time; (g) Establish New Security-Related Aircraft Restrictions; (h) Update Fresh Water Utility Service Provisions; (i) Remove the 2009 IPI Incentive Program; and (j) Make Various Administrative Updates **(Maritime)**

**File ID:** [\[113-19\]](#)

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

- 6.3 Resolution:** Authorize the Executive Director to Execute an Exclusive Negotiating Agreement with Eagle Rock Aggregates, Inc., for the Development and Lease of a Bulk Sand and Aggregate Marine Terminal at Berths 20-22, With a Non-Refundable Fee Up to \$500,000 **(Maritime)**

**File ID:** [\[122-19\]](#)

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

- 6.4 Ordinance:** Approve and Authorize the Executive Director to Execute an Amendment to an Existing License and Concession Agreement with Herc Rentals Inc. for the Premises Located at 7727 Oakport Street, Oakland to Extend the Term for Five (5) Years with One Additional Option to Extend for an Additional Five (5) Years with a Proposed Starting Monthly Rent of \$32,055.00. **(CRE)**

**File ID:** [\[108-19\]](#)

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

- 6.5 Resolution:** Approve and Authorize the Executive Director to Amend the Agreement with Elation Systems, Inc. to Provide System Enhancements to the Living Wage Module, Add an Additional One Year Option Term, and Increase the Not to Exceed Amount by \$63,000 for the Web-Based Labor Compliance/Workforce Tracking System and Living Wage Compliance System **(SRD)**

**File ID:** [\[092-19\]](#)

**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 May 23, 2019.*

## 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.

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### Language & Interpretive Services

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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.