



## MINUTES

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Thursday, January 26, 2023

Board Room – 2nd Floor

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### ROLL CALL

President Leslie called the Regular Meeting of January 26, 2023 to order at the hour of 1:04 p.m. and the following Commissioners participated remotely:

**Present:** 7 - Commissioner Andreas Cluver, Commissioner Michael Colbruno, Commissioner Arabella Martinez, Commissioner Joan Story, Second Vice-President Ces Butner, First Vice-President Yui Hay Lee and President Barbara Leslie

- 0.1 Resolution 23-01:** Determining that Conducting In-person Meetings of the Board of Port Commissioners Would Present Imminent Risks to Attendees' Health and Safety and Electing to Continue Conducting Meetings Using Teleconferences in Accordance with California Government Code Section 54953 (e).

**File ID:** [\[027-23\]](#)

Secretary of the Board, Daria Edgerly, introduced Item 0.1.

**A motion was made by Commissioner Story, seconded by Commissioner Martinez, that the Resolution be approved. The motion carried by the following vote:**

**Ayes:** 7 - Commissioner Cluver, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, Second Vice-President Butner, First Vice-President Lee and President Leslie

### 1. CLOSED SESSION

President Leslie convened the Board in Closed Session at 1:06 p.m. to hear the following Items:

President Leslie left the meeting at 2:25 p.m.

Commissioner Butner left the meeting at 3:18 p.m.

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

**Title:** Executive Director

**File ID:** [\[023-23\]](#)

- 1.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - (Pursuant to**

Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9): **Number of Matter(s): 1:**

(1) East Oakland Stadium Alliance, Pacific Merchant Shipping Association, Harbor Trucking Association, California Trucking Association, Schnitzer Steel Industries, Inc., and International Longshore and Warehouse Union v. City of Oakland, etc., et al., Alameda County Superior Court Case No. 22CV009325, California Court of Appeal (First District, Division Four) Case No. A166221

**File ID:** [\[024-23\]](#)

**1.3 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:** Retail Program Totaling (16) Retail Units

**Negotiating Parties:** HG OAK Retail Concessionaires JV (Hudson Group, Arandia Designs, Maj Collection); MRG Oakland, LLC (The Marshall Retail Group, Oaklandish, LLC and Silver Dragon Cafe, LLC); Paradies Lagardere @ OAK, LLC (Paradies Lagardere, JR Lester and Associates, LTD), and the Port of Oakland

**Agency Negotiator:** Nyika Allen, Assistant Airport Director, and Linda Peng, Supervising Property Manager

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

**File ID:** [\[025-23\]](#)

**1.4 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:** [\[026-23\]](#)

**OPEN SESSION/ROLL CALL**

President Lee called the Regular Meeting of January 26, 2023 to order in Open Session at the hour of 3:30 p.m.

**Present:** 5 - Commissioner Andreas Cluver, Commissioner Michael Colbruno, Commissioner Arabella Martinez, Commissioner Joan Story and First Vice-President Yui Hay Lee

**Excused:** 2 - Second Vice-President Ces Butner and President Barbara Leslie

## CLOSED SESSION REPORT

Port Attorney, Mary Richardson, reported that the Board had taken no final action in Closed Session.

Commissioner Cluver recused himself from Items 1.2 and 1.3 due to a potential financial conflict and was not on the call and took no part in the discussion or deliberation of the item.

**1.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** - (Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9):

**Number of Matter(s): 1:**

(1) East Oakland Stadium Alliance, Pacific Merchant Shipping Association, Harbor Trucking Association, California Trucking Association, Schnitzer Steel Industries, Inc., and International Longshore and Warehouse Union v. City of Oakland, etc., et al., Alameda County Superior Court Case No. 22CV009325, California Court of Appeal (First District, Division Four) Case No. A166221

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

## 2. CONSENT ITEMS

Secretary of the Board, Daria Edgerly, introduced the Consent Items.

**A motion was made by Commissioner Colbruno, seconded by Commissioner Cluver, to approve the Consent Agenda. The motion carried by the following vote:**

**Present:** 5 - Commissioner Andreas Cluver, Commissioner Michael Colbruno, Commissioner Arabella Martinez, Commissioner Joan Story and First Vice-President Yui Hay Lee

**Excused:** 2 - Second Vice-President Ces Butner and President Barbara Leslie

- 2.1 Ordinance 4683**, 2nd Reading Of An Ordinance Authorizing And Approving The Executive Director To Execute A Lease With Central Valley Ag Grinding, LLC, For Approximately 7.1 Acres Of Land On The Former Oakland Army Base With A Five-Year Term Beginning On January 1, 2023 Through December 31, 2027, Resulting In Average Annual Rent Of Approximately \$854,000.

**File ID:** [\[020-23\]](#)

**This Ordinance was approved.**

- 2.2 Ordinance 4684**, 2nd Reading Of An Ordinance Authorizing And Approving (A) The Executive Director To Execute Five-Year Lease Agreements With Three Tenants On The Former Oakland Army Base Through December 31, 2027, As Follows (1) Impact Transportation, LLC, For Approximately 18 Acres Of Warehouse And Yard Space, Resulting In Average Annual Rent Of Approximately \$3.1 Million; (2) Pacific Coast Container, Inc., Dba PCC Logistics, For Approximately 19 Acres Of Warehouse And Yard Space, Resulting In Average Annual Rent Of \$3.3 Million; And, (3) Port Transfer, Inc., For Approximately 14 Acres Of Warehouse And Yard Space, Resulting In Average Annual Rent Of Approximately \$2.4 Million; And, (B) Approximately \$1.96 Million Of Port Funds To Reimburse Tenants For Certain Improvements And/Or Deferred Maintenance During The Term Of The Leases, As Follows: \$991,000 For Impact Transportation, LLC; \$502,000 For PCC Logistics; And, \$464,000 For Port Transfer, Inc.

**File ID:** [\[021-23\]](#)

**This Ordinance was approved.**

- 2.3 Ordinance 4685**, 2nd Reading Of An Ordinance Amending Port Of Oakland Ordinance No. 867 To Increase The Hourly Rate For The Youth Aide, Class "C" Classification To \$25.00 For College Interns In The Port Of Oakland Summer Internship Program.

**File ID:** [\[022-23\]](#)

**This Ordinance was approved.**

- 2.4 Minutes:** Approval of the Minutes of the Regular Meeting of December 1, 2022. **(Board)**

**File ID:** [\[005-23\]](#)

**The Minutes were approved.**

- 2.5 Report:** Annual Comprehensive Financial Report for Year Ended June 30, 2022. **(Finance & Admin)**

**File ID:** [\[011-23\]](#)

**This Report was received and filed.**

- 2.6 Report:** Report of Appointments, Separations and Leaves of Absence for FY 2022-23, 2nd Quarter (October 1, 2022 - December 31, 2022). **(Finance & Admin)**

**File ID:** [\[010-23\]](#)

**This Report was received and filed.**

### **3. MAJOR PROJECTS**

There were no "Major Projects" on the Agenda.

#### 4. BUDGET & FINANCE

There were no Budget & Finance Items to approve.

#### 5. STRATEGY & POLICY

There were no Strategy & Policy Items to approve.

#### 6. REMAINING ACTION ITEMS

- 6.1 Ordinance 4686:** (1) Authorize an Additional Not-to-Exceed Amount of \$1M of Reimbursement to Food and Beverage Concessionaires for Additional Port Infrastructure Improvements Constructed by the Food and Beverage Concessionaires on Behalf of the Port; and (2) Amend the Space/Use Permits with the Food and Beverage Concessionaires to Delete the \$100,000 per Unit Cap and Establish a Combined Port Infrastructure Reimbursement Fund for Infrastructure Improvements Constructed by the Food and Beverage Concessionaires on Behalf of the Port for a Not-to-Exceed Amount of \$3.8 Million for the 18 Food and Beverage Units. **(Aviation)**

**File ID:** [\[018-23\]](#)

Aviation Director, Bryant Francis, introduced Item 6.1.

**A motion was made by Commissioner Story, seconded by Commissioner Martinez, that the Ordinance be approved. The motion carried by the following vote:**

**Ayes:** 5 - Commissioner Cluver, Commissioner Colbruno, Commissioner Martinez, Commissioner Story and First Vice-President Lee

**Excused:** 2 - Second Vice-President Butner and President Leslie

- 6.2 Ordinance 4687:** Approve and Authorize the Executive Director to Execute a Cooperative Agreement with City of Oakland and Alameda County Transportation Commission that Outlines Ownership, Operations, and Maintenance Obligations Associated with the 7th Street Grade Separation East Project, and Find that the Proposed Action Complies with the California Environmental Quality Act as it was Analyzed in the 2012 Addendum to the 2002 Oakland Army Base Area Redevelopment Plan Environmental Impact Report **(Maritime)**

**Resolution 23-02:** Authorize the Executive Director to Execute an Amendment to a Memorandum of Understanding with City of Oakland and Alameda County Transportation Commission that Outlines Roles and Responsibilities During Construction of the 7th Street Grade Separation East Project **(Maritime)**

**File ID:** [\[003-23\]](#)

Maritime Director, Bryan Brandes, introduced Item 6.2.

Pia Franzese, Senior Maritime Project Administrator, presented Item 6.2.

Derek Smith addressed the Board on Item 6.2.

Port Attorney, Mary Richardson and Executive Director, Danny Wan, addressed the Board on Item 6.2.

**A motion was made by Commissioner Colbruno, seconded by Commissioner Story, that the Ordinance be approved. The motion carried by the following vote:**

**Ayes:** 4 - Commissioner Colbruno, Commissioner Martinez, Commissioner Story and First Vice-President Lee

**No:** 1 - Commissioner Cluver

**Excused:** 2 - Second Vice-President Butner and President Leslie

**6.3 Resolution 23-03:** Authorize the Executive Director to Enter Into a Contract with D-Line Constructors, Inc. in an Amount Not-To-Exceed \$444,666 for the Demolition of Building L619 and North Field Bunkers (L921, L922, L923, and L924); and Authorize the Executive Director to Execute to Execute Contract Change Orders to the Extent Necessary in an Amount Not-To-Exceed \$90,000 and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Aviation/Engineering)**

**File ID:** [\[009-23\]](#)

Chief Operating Officer, Kristi McKenney, presented Item 6.3.

**A motion was made by Commissioner Martinez, seconded by Commissioner Story, that the Resolution be approved. The motion carried by the following vote:**

**Ayes:** 5 - Commissioner Cluver, Commissioner Colbruno, Commissioner Martinez, Commissioner Story and First Vice-President Lee

**Excused:** 2 - Second Vice-President Butner and President Leslie

**6.4 Resolution 23-04:** Approve and Authorize the Executive Director to (1) Enter into a Contract with Marinship Development Interest, LLC in an Amount Not-To-Exceed \$2,215,625 for the Middle Harbor Sanitary Sewer Lift Stations D06P and D10P Rehabilitation, Oakland, California and (2) Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an amount Not-to-Exceed \$440,000; and Find that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Maritime/Engineering)**

**File ID:** [\[004-23\]](#)

Chief Operating Officer, Kristi McKenney, presented Item 6.4.

Derek Smith addressed the Board on Item 6.4.

**A motion was made by Commissioner Story, seconded by Commissioner Martinez, that the Resolution be approved. The motion carried by the following vote:**

**Ayes:** 5 - Commissioner Cluver, Commissioner Colbruno, Commissioner Martinez, Commissioner Story and First Vice-President Lee

**Excused:** 2 - Second Vice-President Butner and President Leslie

**6.5 Ordinance 4688:** Enactment of the Ordinance Necessary to Ratify and Set the Annual Salary for the Secretary of the Board to \$210,080 Retroactive to the First Day of the Pay Period Containing October 26, 2022. **(Finance & Admin)**

**File ID:** [\[017-23\]](#)

Human Resources Director, Michael Mitchell, introduced Item 6.5.

**A motion was made by Commissioner Story, seconded by Commissioner Colbruno, that the Ordinance be approved. The motion carried by the following vote:**

**Ayes:** 5 - Commissioner Cluver, Commissioner Colbruno, Commissioner Martinez, Commissioner Story and First Vice-President Lee

**Excused:** 2 - Second Vice-President Butner and President Leslie

**7. UPDATES/ANNOUNCEMENTS**

Director of Communications, Robert Bernardo, presented an "Employee Spotlight" video highlighting Rina Narcisse, Senior Commercial Real Estate Representative.

Director of Social Responsibility, Amy Tharpe, announced that the Oakland International Airport hosted its first ever Local Vendor Fair which introduced OAK retail concessionaires to local merchants and their products.

Commissioner Colbruno reported out on a recent trip to Tampa, FL. with President Leslie and Port staff to attend the AAPA Powers Summit & Expo. Commissioner Colbruno also announced the passing of long-time El Cerrito Council Member, Janet Abelson, and asked the meeting be adjourned in her memory.

**8. SCHEDULING**

There were no "Scheduling Items" on the Agenda.

**OPEN FORUM**

There were no Public Speakers in Open Forum.

**ADJOURNMENT**

There being no additional business, the Meeting was adjourned at the hour of 4:17 p.m. in Memory of Janet Abelson.

Approved: February 23, 2023

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Daria Edgerly

Secretary of the Board