



PORT OF OAKLAND

*530 Water Street
Oakland, California 94607
510.627.1337*

Minutes

Thursday, May 11, 2023

3:30 PM

Board Room – 2nd Floor

www.portofoakland.com

ROLL CALL

President Leslie called the Regular Meeting of May 11, 2023 to order at the hour of 1:07 p.m. and the following Commissioners were in attendance:

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

1. CLOSED SESSION

President Leslie convened the Board in Closed Session at 1:46 p.m. to hear the following Items:

The following members of the Public addressed the Board on the Closed Session Items:

Nick Danoff, Carla Collins, William Dow, Melvin Mackay, Kai Chang, Keith Madding, Margie Lewis, Hal Gordon, Bernice Creager, Evey Wong, Max Alper, Dennis Biles, Will Stein, Mike Jacob, Theodore Allik, Lori Baca, Jason Dreisbach, Matthew McCarthy, Mindy Anderson, Trevel Arguan, Daniel Andrews, Samantha Brown, Abby Delgado, Megan Pratt, Peggy Ygbuhay, Thomas Haefner, Ikaika Shiveley, Alexander Sutton, and Zennie Abraham

1.1 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: [\[170-23\]](#)

1.2 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

File ID: [\[171-23\]](#)

- 1.3 THREAT TO PUBLIC SERVICES OR FACILITIES** - (Pursuant to California **Government** Code Section 54957 (a): Consultation with Kyle Mobley, Director of Info Technology and Chris Hanna, IT Security Manager.

File ID: [\[172-23\]](#)

- 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: [\[173-23\]](#)

OPEN SESSION/ROLL CALL

President Leslie called the Regular Meeting of May 11, 2023 to order in Open Session at the hour of 3:54 p.m.

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

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 1.1 and 1.2 due to a potential conflict of interest and was not in the room and took no part in the discussion or deliberation of the item.

1.1 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:**

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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 Story, to approve the Consent Agenda. 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

2.1 Ordinance 4703: Approve and Authorize the Executive Director to Execute a Five-Year Term Extension of Multiple Agreements with Airport Tenants and Service Providers at Oakland International Airport. **(Aviation)**

File ID: [\[126-23\]](#)

This Ordinance was approved.

- 2.2 Ordinance 4704:** Approve and Authorize the Executive Director to Execute a First Amendment to the License and Concession Agreement with Hanwen Investment Inc, a California Corporation, dba Dragon Gate Oakland, for the Premises Located at 1 Franklin Street, Oakland to Adjust the Rent Payment Schedule and Extend the Term by Two Months and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(CRE)**

File ID: [\[141-23\]](#)

This Ordinance was approved.

- 2.3 Ordinance 4705:** Approve and Authorize the Executive Director to Execute a License and Concession Agreement with Moussa Group LLC, for the Premises Located at 7717 Oakport Street, Oakland, for a Term of Seven (7) Years, for an Initial Monthly Rent of \$7,669.00 and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act **(CRE)**

File ID: [\[140-23\]](#)

This Ordinance was approved.

- 2.4 Ordinance 4700,** 2nd Reading Of An Ordinance Approving And Authorizing (1) The Executive Director To Execute A Second Supplement To The Non-Exclusive Preferential Assignment Agreement With Trapac, LLC For The Berths 25-33 Marine Terminal To Remove Trapac's Obligation To Raise Cranes; Require Trapac To Use Best Efforts To Deploy Near-Zero Emissions Equipment And Other Equipment; Require The Port To Perform Certain Sewer Improvements; Increase Fixed Rent; And Lower The Breakpoint For Variable Rent; (2) Capital Budget Of Approximately \$4.3 Million; And (3) Expenditure Of Approximately \$1.2 Million Of Port Funds To Offset Certain Trapac Costs For Said Equipment; And Finding The Proposed Action Is Exempt Under The California Environmental Quality Act.

File ID: [\[174-23\]](#)

This Ordinance was approved.

- 2.5 Ordinance 4701,** 2nd Reading Of An Ordinance Amending Port Of Oakland ("Port") Ordinance No. 2833 Amending Tariff Number 2-A To: (A) Increase Containerized Cargo Wharfage Effective June 1, 2023; (B) Increase Rates For Space Assignments Effective July 1, 2023; And (C) Modify Certain Definitions And Make Minor Administrative Updates, Effective June 1, 2023.

File ID: [\[175-23\]](#)

This Ordinance was approved.

- 2.6 Ordinance 4702**, 2nd Reading Of An Ordinance Amending Port Of Oakland Ordinance No. 867 To Create The Classification Of Chief Public Engagement Officer.

File ID: [\[176-23\]](#)

This Ordinance was approved.

- 2.7 Minutes:** Approval of the Minutes of the Regular Meetings of April 13, 2023 and April 27, 2023. (Board)

File ID: [\[163-23\]](#)

The Minutes were approved.

3. MAJOR PROJECTS

There were no "Major Projects" on the Agenda.

4. BUDGET & FINANCE

- 4.1 Report:** Unaudited Financials for 9 months ended March 31, 2023 including Capital Expenditure Report. (Finance & Admin)

File ID: [\[099-23\]](#)

Chief Financial Officer, Julie Lam, presented Item 4.1.

This Report was received and filed.

- 4.2 Report:** FY 2024 Operating and Capital Budget Update #2. (Finance & Admin)

File ID: [\[100-23\]](#)

Chief Financial Officer, Julie Lam, presented Item 4.2.

Executive Director, Danny Wan, Acting Aviation Director, Craig Simon, Maritime Director, Bryan Brandes, and Chief Operating Officer, Kristi McKenney addressed the Board on Item 4.2.

This Report was received and filed.

5. STRATEGY & POLICY

There were no Strategy & Policy Items to approve.

6. REMAINING ACTION ITEMS

- 6.1 Ordinance 4706:** Adoption Of An Ordinance Approving *Oakland International Airport Hangar/Ramp Space Agreements* With Multiple General Aviation Tenants, for Terms Commencing On Various Dates And All Expiring June 30, 2026, With Anticipated Annual Revenues of \$8,538 for FY 2023, Operating At The North Field Of Oakland International Airport and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Aviation)**

File ID: [\[125-23\]](#)

Acting Aviation Director, Craig Simon, introduced Item 6.1.

A motion was made by Commissioner Cluver, seconded by Commissioner Story, that the Ordinance 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

- 6.2 Ordinance 4707:** Adoption of an Ordinance Approving a Space/Use Permit with SP Plus OAK RCC Joint Venture for Use of 51,770 Square Feet of Partially Paved Land to Support Rental Car Shuttle Bus Storage and Operations at Oakland International Airport and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Aviation)**

File ID: [\[127-23\]](#)

Acting Aviation Director, Craig Simon, introduced Item 6.2.

Chief Operating Officer, Kristi McKenney, addressed the Board on Item 6.2.

A motion was made by Second Vice-President Butner, seconded by Commissioner Martinez, that the Ordinance 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

- 6.3 Resolution 23-33:** Approve the Renewal and Amendment of Air Service Incentive Program Available to All Airlines Serving Oakland International Airport Until June 30, 2026, and Authorize the Executive Director to execute the Cooperative Advertising Agreements and any other documents to implement the Air Service Incentive Program. **(Aviation)**

File ID: [\[167-23\]](#)

Acting Aviation Director, Craig Simon, introduced Item 6.3.

John Albrecht, Aviation Marketing Manager, addressed the Board on Item 6.3.

A motion was made by Commissioner Story, seconded by Second Vice-President Butner, 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

- 6.4 Resolution 23-34:** Approve and Authorize the Executive Director to Enter Into a Contract with **DeSilva Gate Construction, LLC** in an Amount Not-To-Exceed **\$19,924,444** for Construction of Taxiway W Pavement Rehabilitation Project (Phase 1) and Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not-To-Exceed **\$2,989,000 (15%)** and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Engineering / Aviation)**

File ID: [\[138-23\]](#)

Chief Operating Officer, Kristi McKenney, presented Item 6.4.

A motion was made by First Vice-President Lee, 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

- 6.5 Resolution 23-35:** Authorize the Executive Director to Enter Into a Contract with SilMan Venture Corp. dba SilMan Industries in an Amount Not-To-Exceed \$350,320 for the Installation of Large Trash Capture Devices, Phase 1; Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not-To-Exceed \$70,000; and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Engineering / Aviation)**

File ID: [\[111-23\]](#)

Chief Operating Officer, Kristi McKenney, presented Item 6.5.

A motion was made by Commissioner Colbruno, seconded by Second Vice-President Butner, 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

- 6.6 Resolution 23-36:** Authorization to Execute a Professional Services Agreement with Allied Universal Security Services for Port Security Operations Center Staffing and Security Patrol Services for an Initial Term of Two Years with Two, 2-Year Options to Extend at the Port's Discretion, for a Maximum Term of Six Years and a Total Amount Not to Exceed \$6,900,000 **(Maritime)**

File ID: [\[129-23\]](#)

Maritime Director, Bryan Brandes, introduced Item 6.6.

Courtney White of Allied Universal Security, addressed the Board on Item 6.6.

Troy Hosmer, Port Facilities Security Officer, addressed the Board on Item 6.6.

A motion was made by Commissioner Colbruno, seconded by Commissioner Cluver, 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

- 6.7 Resolution 23-37:** Approve and Authorize the Executive Director to Enter into a Professional Services Agreement with Enterprise Risk Management, Inc., d.b.a. ERM Protect ("ERM") to Provide Cybersecurity Vulnerability Assessment Services for Seven (7) Years in an Amount Not to Exceed \$681,296.00 **(Information Technology)**

File ID: [\[139-23\]](#)

Director of Information Technology, Kyle Mobley, introduced Item 6.7.

Chris Hannah, Port IT Security Manager, presented Item 6.7.

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

7. UPDATES/ANNOUNCEMENTS

Port Attorney, Mary Richardson, introduced newly-hired Deputy Port Attorney, Edward Ruiz.

8. SCHEDULING

Secretary of the Board, Daria Edgerly, announced that the Regular Meeting of June 22, 2023 has been cancelled and a Special Meeting will be held on May 18, 2023.

OPEN FORUM

The following members of the Public addressed the Board in Open Forum:

Stanley Cooper

ADJOURNMENT

There being no additional business, the Meeting was adjourned at the hour of 5:33 p.m.

Approved:

Daria Edgerly
Secretary of the Board

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