



## MINUTES

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Thursday, June 8, 2023

Board Room – 2nd Floor

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### ROLL CALL

President Leslie called the Regular Meeting of June 8, 2023 to order at the hour of 1:03 p.m. and the following Commissioners were in attendance:

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

### 1. CLOSED SESSION

President Leslie convened the Board in Closed Session at 1:03 p.m. to hear the following Items:

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

#### 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:** [\[208-23\]](#)

#### 1.2 CONFERENCE WITH REAL PROPERTY NEGOTIATOR - (Pursuant to California Government Code Section 54956.8)

**Property:** Various properties in and around Jack London Square, various properties in or around the Seaport, and various properties in or around the North Field of Oakland International Airport

**Negotiating Parties:** Various Current and Perspective Tenants for Properties in and around Jack London Square, in or Around the Seaport, and in or Around the North Field of Oakland International Airport and the Port of Oakland

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

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

**Property:** 5190 7th Street, Oakland, CA

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

**Agency Negotiator:** Bryan Brandes, Director of Maritime

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

**Property:** 1101 Embarcadero West, Oakland, CA

**Negotiating Parties:** Schnitzer Steel Industries, Inc. and the Port of Oakland

**Agency Negotiator:** Bryan Brandes, Director of Maritime

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

**File ID:** [\[209-23\]](#)

**1.3 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:** [\[207-23\]](#)

**OPEN SESSION/ROLL CALL**

President Leslie called the Regular Meeting of June 8, 2023 to order in Open Session at the hour of 4:28 p.m.

**Present:** 6 - Second Vice-President Andreas Cluver, Commissioner Michael Colbruno, Commissioner Arabella Martinez, Commissioner Joan Story, First Vice-President Yui Hay Lee and President Barbara Leslie

**Excused:** 1 - Commissioner Ces Butner

**CLOSED SESSION REPORT**

Port Attorney, Mary Richardson, announced that Item 1.1 was pulled from the Closed Session Agenda.

**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

Executive Director announced that Port will declare June 19th (Juneteenth) an official paid holiday for Port employees.

## 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:**

**Ayes:**           **6** - Second Vice-President Cluver, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, First Vice-President Lee and President Leslie

**Excused:**       **1** - Commissioner Butner

- 2.1 Resolution 23-43:** Approve and Authorize the Executive Director to Waive Formal Competitive Procedures and Execute a Supplemental Agreement to the Existing Professional Services Agreement with The Alliance, Inc., to Extend the Term for Three Additional Years Through December 31, 2026 and Add \$300,000 to the Maximum Compensation for a Total of \$470,000 to Continue Providing Design Review and Program Implementation Assistance for the Food & Beverage and Retail & Duty-Free Concessions Programs. **(Aviation)**

**File ID:** [\[183-23\]](#)

- 2.2 Ordinance 4709:** Approve and Authorize the Executive Director to (1) Execute Second and Third Lease Amendments with U.S. Customs and Border Protection (CBP) for Office and Parking Space Located at 700 Maritime Street, Oakland, CA with a Maximum Lease Term Through June 30, 2028, Resulting in Annual Rent of \$0, and (2) Negotiate and Execute a Rental Agreement for a Modular Office Building for CBP, which cost shall be reflected in the Third CBP Lease Amendment; and Finding the Proposed Action is Exempt Under the California Environmental Quality Act. **(Maritime)**

**File ID:** [\[168-23\]](#)

- 2.3 Resolution 23-44:** Approve and Authorize the Executive Director to Enter into an Agreement with Pacific Crane Maintenance Company, LLC to Subgrant up to \$1,484,557 of Funds Received from the United States Department of Agriculture to Create and Operate a Pop-Up Yard on Howard Terminal **(Maritime)**

**File ID:** [\[200-23\]](#)

- 2.4 Resolution 23-45:** Approve the Port of Oakland Sanitary Sewer System Corrective Action Work Plan, Delegate Authority to the Executive Director to Approve Future Amendments to the Corrective Action Work Plan and Find that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Engineering)**

**File ID:** [\[166-23\]](#)

- 2.5 **PULLED: Resolution:** ~~Approve and Authorize the Executive Director to: (1) Dispense with Standard Bidding Procedures, (2) Issue a Request for Proposals to solicit proposals from Interested Prime Builder Entities for Design Builder Services for Mobile Shore Power Outlet System at Berths 55 and 59, and (3) Resolve Any Protests Resulting from the Process. (Engineering/Maritime)~~

File ID: [\[180-23\]](#)

This Resolution was pulled.

- 2.6 **Resolution 23-46:** Approve and Authorize the Port Risk Manager to Renew the Port of Oakland's Contractors Pollution Liability Insurance Policy with Navigators Specialty Insurance Company, Arranged and Paid Through Alliant Insurance Services, for an Amount Not to Exceed \$232,000, and Delegate Authority to the Port Risk Manager to Execute any Necessary Documents. **(Finance and Administration)**

File ID: [\[203-23\]](#)

- 2.7 **Ordinance 4708**, 2nd Reading Of An Ordinance Amending Section 2.01 Of Port Ordinance No. 867 Ratifying And Setting The Compensation Of Employees Of The Port Department Represented By Service Employees International Union, Local 1021 And Amending Section 1.191 Providing Professional Development Benefits For Certain Employees.

File ID: [\[206-23\]](#)

- 2.8 **Minutes:** Approval of the Minutes of the Regular Meeting of May 11, 2023 and the Special Meeting of May 18, 2023. **(Board)**

File ID: [\[205-23\]](#)

### 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 **Resolution 23-47:** Approve and Authorize the Executive Director to Increase the Total Contract Authority for On-Call Professional Engineering Design Services for Non-Federally Funded Contracts from \$5,000,000 to \$7,000,000 **(Engineering)**

File ID: [\[169-23\]](#)

Chief Operating Officer, Kristi McKenney, presented Item 6.1.

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

**Ayes:** 6 - Second Vice-President Cluver, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, First Vice-President Lee and President Leslie

**Excused:** 1 - Commissioner Butner

- 6.2 Resolution 23-48:** Approve and Authorize the Executive Director to: (1) Waive Formal Competitive Procurement Procedures; (2) Execute a Single Source Contract with Power Engineering Construction Company for Construction of Jack London Square Boardwalk Repairs Structures 7 & 8, in an Amount Not-to-Exceed ~~TBD~~ \$3,348,835; and (3) Execute Contract Change Orders in an Amount Not-to-Exceed ~~TBD~~ \$838,000; and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Engineering, Commercial Real Estate)**

File ID: [\[185-23\]](#)

Chief Operating Officer, Kristi McKenney, presented Item 6.2.

**A motion was made by Commissioner Story, seconded by First Vice-President Lee, that the Resolution be approved. The motion carried by the following vote:**

**Ayes:** 6 - Second Vice-President Cluver, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, First Vice-President Lee and President Leslie

**Excused:** 1 - Commissioner Butner

- 6.3 Resolution 23-49:** Approve and Authorize the Executive Director to Enter into an Agreement with NetXperts, LLC for Cisco Smart Net Subscription and Software Licensing for a Five-Year Term in an Amount Not to Exceed \$1,018,600 **(Information Technology)**

File ID: [\[184-23\]](#)

Director of Information Technology, Kyle Mobley, introduced Item 6.3.

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

**Ayes:** 6 - Second Vice-President Cluver, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, First Vice-President Lee and President Leslie

**Excused:** 1 - Commissioner Butner

- 6.4 Resolution 23-50:** Approve and Authorize the Executive Director to Waive Formal Competitive Procurement Procedures and Enter Into a Second Supplemental Agreement to the Professional Services Agreement with Cambridge Systematics, Inc. to Extend the Term Through December

31, 2025 and Add \$500,000 to the Maximum Compensation for a Total Amount Not to Exceed of \$900,000 to Provide Grant Management Consulting Services **(Environmental Programs and Planning)**

**File ID:** [\[186-23\]](#)

Chief Operating Officer, Kristi McKenney, presented Item 6.4.

Executive Director, Danny Wan, Addressed the Board on Item 6.4.

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

**Ayes:**           **6 -** Second Vice-President Cluver, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, First Vice-President Lee and President Leslie

**Excused:**       **1 -** Commissioner Butner

- 6.5 Resolution 23-51:** Approve and Authorize the Executive Director to Execute a Project Supplement No. 2 with the California State Transportation Agency, Authorizing \$17,969,402 in State Funding to be Distributed to the Port of Oakland for Design and Engineering of Transportation Projects, and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act **(Executive Office)**

**File ID:** [\[204-23\]](#)

Chief Operating Officer, Kristi McKenney, presented Item 6.5.

Executive Director, Danny Wan, Addressed the Board on Item 6.5.

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

**Ayes:**           **6 -** Second Vice-President Cluver, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, First Vice-President Lee and President Leslie

**Excused:**       **1 -** Commissioner Butner

## **7. UPDATES/ANNOUNCEMENTS**

Director of Communication, shared an "Employee Spotlight" video highlighting Airport Operations Supervisor, William Kuna.

Director of Social Responsibility, Amy Tharpe, announced that free Port hosted harbor tours are back.

Commissioner Cluver announced the passing of long-time City employee, Debra Barnes, and asked the meeting be adjourned in her memory. President Leslie also expressed her condolences for Ms. Barnes.

## **8. SCHEDULING**

Secretary of the Board, Daria Edgerly, announced the that June 22, 2023 Regular Meeting is cancelled and there will be a Special Meeting held on July 6, 2023.

## **OPEN FORUM**

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

Monica Guzman, Lorraine Powell, and Yong Kay

## **ADJOURNMENT**

There being no additional business, the Meeting was adjourned at the hour of 5:05 p.m. in memory of Debra Barnes.

Approved: July 27, 2023

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Daria Edgerly  
Secretary of the Board