



PORT OF OAKLAND

*530 Water Street
Oakland, California 94607
510.627.1337*

Minutes

Thursday, September 28, 2023

2:00 PM

Board Room – 2nd Floor

www.portofoakland.com

ROLL CALL

President Lee called the Regular Meeting of September 28, 2023 to order at the hour of 1:02 p.m and the following Commissioners were in attendance:

Present: 6 - Commissioner Michael Colbruno, Commissioner Stephanie Dominguez Walton, Commissioner Arabella Martinez, Commissioner Jahmese Myres, Second Vice-President Andreas Cluver and First Vice-President Yui Hay Lee

Excused: 1 - President Barbara Leslie

1. CLOSED SESSION

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

1.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - (Significant Exposure to Litigation Pursuant to Paragraph (4) of Subdivision (d) of California Government Code Section 54956.9): **Number of Matters: 2.**

File ID: [\[304-23\]](#)

1.2 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - (Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of California Government Code Section 54956.9): **Number of Matters: 1.**

File ID: [\[305-23\]](#)

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

Title(s): Port Attorney

File ID: [\[306-23\]](#)

OPEN SESSION/ROLL CALL

President Lee called the Regular Meeting of September 28, 2023 to order in Open Session at the hour of 2:17 p.m.

Present: 6 - Commissioner Michael Colbruno, Commissioner Stephanie Dominguez Walton, Commissioner Arabella Martinez, Commissioner Jahmese Myres, Second Vice-President Andreas Cluver and First Vice-President Yui Hay Lee

Excused: 1 - President Barbara Leslie

CLOSED SESSION REPORT

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

2. CONSENT ITEMS

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

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

Ayes: 6 - Commissioner Colbruno, Commissioner Dominguez Walton, Commissioner Martinez, Commissioner Myres, Second Vice-President Cluver and First Vice-President Lee

Excused: 1 - President Leslie

- 2.1 Ordinance 4721:** Approve and Authorize the Executive Director to Execute a Seventh Supplemental Agreement to a Lease with DASL, LLC for Premises Located at the Cost Plus Parking Lot Located at 101 Clay Street, Oakland to Extend the Term Through October 31, 2026, at an Initial Monthly Rental Rate of \$10,737 During the Extension Term, and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Commercial Real Estate)**

File ID: [\[302-23\]](#)

This Ordinance was approved.

- 2.2 Resolution 23-82:** Authorization to Accept and Execute All Necessary Documents for \$663,000 of Port Security Grant Program Funds from the Federal Emergency Management Agency for Port Cybersecurity Infrastructure Improvements and Vulnerability Assessments. **(Information Technology)**

File ID: [\[265-23\]](#)

This Resolution was approved.

- 2.4 Ordinance 4718,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Sixth Supplemental Agreement To The Wireless Telecommunications Lease Agreement With Crown Castle Gt Company LLC For Premises Located Near The Bay Bridge Plaza On Burma Road To Extend The Term For Five (5) Years With One (1) Five (5)-Year Option To Extend, And Finding That The Proposed Action Is Exempt Under The California Environmental Quality Act.

File ID: [\[307-23\]](#)

This Ordinance was approved.

2.5 Ordinance 4719, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Second Amendment To The Lease With Shippers Transport Express, Inc. To Modify The Premises And Rent And Provide A One-Time Credit Or Reimbursement For Adjustment To Monthly Rent, Resulting In A Revenue Loss Of Approximately \$208,000 In FY 2024.

File ID: [\[308-23\]](#)

This Ordinance was approved.

2.6 Ordinance 4720, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute An Amended And Fully Restated Non-Exclusive Preferential Assignment Agreement (“NEPAA”) With Eagle Rock Aggregates, Inc., For A Bulk Marine Terminal Comprising Approximately 18 Acres Of Land And 3 Acres Of Water At Berths 20-22, Providing For An Initial Term Of 12 Years During Which Annual Fixed (Minimum) Rent Increases From Approximately \$1.4 Million To \$6.4 Million; Two Options To Extend The Term Up To An Additional 15 Years To A Maximum Of 27 Years; And Approximately \$11.4 Million Of Port Of Oakland Expenditures To Implement Certain Improvements During The Initial Term; And Finding That The Proposed Action Complies With The California Environmental Quality Act As Analyzed In The Final Supplemental Environmental Impact Report To The 2002 Oakland Army Base Area Redevelopment Plan Environmental Impact Report.

File ID: [\[309-23\]](#)

Secretary of the Board, Daria Edgerly, introduced Item 2.6.

Demetrius Williams, Kim Cotton, and Keven Wasylyshyn addressed the Board on Item 2.6.

A motion was made by Second Vice-President Cluver, seconded by Commissioner Martinez, that the Ordinance be approved. The motion carried by the following vote:

Ayes: 6 - Commissioner Colbruno, Commissioner Dominguez Walton, Commissioner Martinez, Commissioner Myres, Second Vice-President Cluver and First Vice-President Lee

Excused: 1 - President Leslie

2.3 Resolution 23-83: Building Permit: for Eagle Rock Aggregates, Site Improvements, Maritime Street at 17th Street, B20-22, Maritime Area **(Environmental/Maritime)**

File ID: [\[300-23\]](#)

Secretary of the Board, Daria Edgerly, introduced Item 2.3.

A motion was made by Second Vice-President Cluver, seconded by Commissioner Myres, that the Resolution be approved. The motion carried by the following vote:

Ayes: 6 - Commissioner Colbruno, Commissioner Dominguez Walton, Commissioner Martinez, Commissioner Myres, Second Vice-President Cluver and First Vice-President Lee

Excused: 1 - President Leslie

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 23-84: Approve and Authorize the Executive Director to Execute Professional Services Agreements with Five Consultant Teams for As-Needed Aviation Planning Consulting Services for Five-Year Terms with an Aggregate Maximum Compensation Not to Exceed \$15,000,000 (**Aviation**).

File ID: [\[297-23\]](#)

Iterim Aviation Director, Craig Simon, introduced Item 6.1.

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 - Commissioner Colbruno, Commissioner Dominguez Walton, Commissioner Martinez, Commissioner Myres, Second Vice-President Cluver and First Vice-President Lee

Excused: 1 - President Leslie

- 6.2 Resolution 23-85:** Approve and Authorize the Executive Director to: (1) Waive Formal Competitive Procurement Procedures and Execute a Single Source Professional Services Agreement with Parsons Transportation Group, Inc. for Operations and Maintenance Support for the Freight Intelligent Transportation System for an Initial Term of Three Years , with One Two-Year Option Subject to Mutual Agreement and a Maximum Compensation Not to Exceed \$10,322,600 over Five Years; and (2) Execute a Cooperative Agreement with the City of Oakland that Outlines Operations and Maintenance Responsibilities for the Freight Intelligent Transportation System **(Maritime)**

File ID: [\[210-23\]](#)

Maritime Director, Bryan Brandes, introduced Item 6.2.

Pia Franzese, Sr. Maritime Projects Administrator, presented Item 6.2.

Executive Director, Danny Wan, addressed the Board on Item 6.2.

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 - Commissioner Colbruno, Commissioner Dominguez Walton, Commissioner Martinez, Commissioner Myres, Second Vice-President Cluver and First Vice-President Lee

Excused: 1 - President Leslie

7. UPDATES/ANNOUNCEMENTS

Thanh Vuong, Port Principal Engineer, announced the passing of Structural Engineer and President of Liftech Consultants, Mike Jordan. Mr. Jordan had a key role in the development of the Port's early Maritime infrastructure. Commissioner Colbruno asked that the meeting be adjourned in honor of Mr. Jordan.

Maritime Director, Bryan Brandes, announced that September 28th is World Maritime Day, and how the day was created to honor the work of International Maritime Industry Workers.

8. SCHEDULING

- 8.1 Resolution 23-86:** Adopting the Regular Board Meeting Schedule for Calendar Year 2024. **(Board)**

File ID: [\[303-23\]](#)

Secretary of the Board, Daria Edgerly, introduced Item 8.1.

A motion was made by Second Vice-President Cluver, seconded by Commissioner Colbruno, that the Resolution be approved. The motion carried by the following vote:

Ayes: 6 - Commissioner Colbruno, Commissioner Dominguez Walton, Commissioner Martinez, Commissioner Myres, Second Vice-President Cluver and First Vice-President Lee

Excused: 1 - President Leslie

OPEN FORUM

The following members of the Public addressed the Board in Open Forum: Truth Bey, Bishop Henry Williams, Mikal Howard, and Rashawn Reed.

ADJOURNMENT

There being no additional business, the Meeting was adjourned at the hour of 3:15 p.m. in honor of Mike Jordan.

Approved:

Daria Edgerly
Secretary of the Board

DRAFT