



MINUTES

Thursday, September 29, 2022

Board Room – 2nd Floor

ROLL CALL

President Leslie called the Regular Meeting of September 29, 2022 to order at the hour of 1:04 p.m. and the following Commissioners participated remotely:

Present: 5 - Commissioner Andreas Cluver, Commissioner Michael Colbruno, Commissioner Arabella Martinez, Commissioner Joan Story and President Barbara Leslie

Excused: 2 - Second Vice-President Ces Butner and First Vice-President Yui Hay Lee

1. CLOSED SESSION

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

1.1 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: 2800 7th Street, Oakland, CA

Negotiating Parties: TraPac, LLC and the Port of Oakland

Agency Negotiator: Bryan Brandes, Maritime Director

Under Negotiation: Price and Terms of Payment

Property: 1700 Maritime Street; 2440 W 14th Street; 6805 Tobruk Street; 2498 W 19th Street, and adjacent areas - all in Oakland, CA - on the portion of the former OAB north of 14th Street, generally bounded by Maritime Street on the West, 14th Street on the South, Outer Harbor Intermodal Terminal (OHIT) on the East, and Admiral Toney Way and West Grand Ave (elevated roadway) on the North.

Negotiating Parties: CVAG, Impact, PCC, PTI, and the Port of Oakland

Agency Negotiator: Bryan Brandes, Maritime Director

Under Negotiation: Price and Terms of Payment

Property: Two Retail Programs Totaling (16) Retail Units; 2 Wine Bar Units located at Oakland International Airport; #1 Airport Drive, Oakland

Negotiating Parties: HG OAK Retail Concessionaires JV (Hudson Group, Arandia Designs,

Maj Collection); Paradies Lagardere @ OAK, LLC (Paradies Lagardere, JR Lester and Associates, LTD); MRG Oakland, LLC (The Marshall Retail Group, Oaklandish, LLC and Silver Dragon Cafe, LLC), 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: [\[299-22\]](#)

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): 3:**

(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

(2) Capitol Corridor Joint Powers Authority v. City of Oakland, etc., et al., Alameda County Superior Court Case No. 22CV009309

(3) Union Pacific Railroad Company v. City of Oakland, etc., et al., Alameda County Superior Court Case No. 22CV009330

File ID: [\[298-22\]](#)

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: [\[300-22\]](#)

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

Title: Executive Director

File ID: [\[301-22\]](#)

OPEN SESSION/ROLL CALL

President Leslie called the Regular Meeting of September 29, 2022 to order in Open Session at the hour of 4:59 p.m.

Commissioner Martinez joined the meeting at 5:00 p.m.

Present: 5 - Commissioner Andreas Cluver, Commissioner Michael Colbruno, Commissioner Arabella Martinez, Commissioner Joan Story and President Barbara Leslie

Excused: 2 - Second Vice-President Ces Butner and First Vice-President Yui Hay Lee

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 financial conflict and was not on the call and took no part in the discussion or deliberation of the item.

1.1 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

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): 3:**

(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

(2) Capitol Corridor Joint Powers Authority v. City of Oakland, etc., et al., Alameda County Superior Court Case No. 22CV009309

(3) Union Pacific Railroad Company v. City of Oakland, etc., et al., Alameda County Superior Court Case No. 22CV009330

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: 5 - Commissioner Colbruno, Commissioner Martinez, Commissioner Story, President Leslie and Commissioner Cluver

Excused: 2 - Second Vice-President Butner and First Vice-President Lee

- 2.1 Ordinance 4660**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Fourth Amendment To Temporary Rental Agreement With City Health, A Medical Corporation, To Extend The Term To August 31, 2023, With Anticipated Annual Revenues Of \$42,000, Operating At Oakland International Airport.

File ID: [\[302-22\]](#)

This Ordinance was approved.

- 2.3 Ordinance 4662**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A License And Concession Agreement With Gaiaca, LLC, Doing Business As Gaiaca Waste Revitalization, For Premises Located At 424 Pendleton Way, Oakland, For A Term Of Five (5) Years, With One (1) Five-Year Mutual Option To Extend, For An Initial Monthly Rent Of \$9,500.

File ID: [\[304-22\]](#)

This Ordinance was approved.

- 2.4 Ordinance 4663**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Space/Use Permit With HG Oak F&B Concessionaires JV For A Food & Beverage Concession For Two Units At Oakland International Airport For A Term Expiring At The Latest On March 31, 2035 With Anticipated \$19.4 Million Total Rent Payable To The Port Throughout The Term And With Potential Total Capital Contribution By The Port Not To Exceed \$1.2 Million.

File ID: [\[305-22\]](#)

This Ordinance was approved.

- 2.5 Ordinance 4664**, 2nd Reading Of An Ordinance Approving And Authorizing A Space/Use Permit With Boutique Air, Inc. For A Term For Over Three Years From May 16, 2022 To June 30, 2025, With Annual Consideration Of \$88,852 For Premises At Port Building L-210 (Hangar 2) And Port Building L-230c At North Field At Oakland International Airport.

File ID: [\[307-22\]](#)

This Ordinance was approved.

- 2.6 Resolution 22-89:** Supporting The Raising Of The United Nations Flag On The United Nations Flag Pole At Jack London Square And Commending The United Nations Association - USA, East Bay Chapter. **(Board)**

File ID: [\[310-22\]](#)

This Resolution was approved.

- 2.2 Ordinance 4661**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Third Amendment To Lease With DHL Express (USA), Inc. To Extend The Term For Five Years To December 31, 2027 At Annual Consideration Of \$563,995 For Premises At North Field At Oakland International Airport.

File ID: [\[303-22\]](#)

Secretary of the Board, Daria Edgerly, introduced Item 2.2.

Commissioner Story recused herself from Item 2.2 due to a potential financial conflict and was not on the call and took no part in the discussion or deliberation of the item.

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

Ayes: 4 - Commissioner Cluver, Commissioner Colbruno, Commissioner Martinez and President Leslie

Excused: 2 - Second Vice-President Butner and First Vice-President Lee

Recused: 1 - Commissioner Story

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

- 5.1 Supplemental Information Report:** Proposed Adoption of Various Policies Into Title 2 of the Port of Oakland Administrative Code (POAC) By Amending and Restating Prior Port Ordinances **(Port Attorney)**

File ID: [\[296-22\]](#)

Port Attorney, Mary Richardson, presented Item 5.1.

This Report was received and filed.

6. REMAINING ACTION ITEMS

- 6.1 Resolution 22-90:** Approve and Authorize the Executive Director to Execute: (1) a Professional Services Agreement with Intellisoft, Inc. to provide a comprehensive and automated Identity Management System (IdMS) software at the Oakland International Airport (Airport) and Provide

System Updates for a Term of 7 Years for a Total Cost Not to Exceed \$2,830,000; and (2) a Professional Services Agreement with Faith Group, LLC to Provide Project Coordination Implementation Support Services for a Term of 2 Years for a Total Cost Not to Exceed \$250,000, and Waive Formal Competitive Procedures. **(Aviation)**

File ID: [\[293-22\]](#)

Aviation Director, Bryant Francis, introduced Item 6.1.

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

Ayes: 5 - Commissioner Colbruno, Commissioner Martinez, Commissioner Story, President Leslie and Commissioner Cluver

Excused: 2 - Second Vice-President Butner and First Vice-President Lee

- 6.2 Ordinance 4665:** Adopt an Ordinance to Approve and Authorize the Executive Director to Execute an Amendment to Space/Use Permit for Retail and Duty Free Concession with WDFG North America LLC to (i) Extend the Term through January 31, 2023 for approximately \$520,454.85 in Anticipated Revenues; (ii) Grant the Executive Director the Authority to Extend the Term on an As-Needed Basis for Up to an Additional Five Months from February 1, 2023 through June 30, 2023 for approximately \$130,113.71/Month in Anticipated Revenues; and (iii) Waive Certain Restrictions 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. **(Aviation)**

File ID: [\[294-22\]](#)

Aviation Director, Bryant Francis, introduced Item 6.2.

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 Colbruno, Commissioner Martinez, Commissioner Story, President Leslie and Commissioner Cluver

Excused: 2 - Second Vice-President Butner and First Vice-President Lee

- 6.3 Ordinance 4666:** Enactment of An Ordinance to Amend Port Ordinance No. 867 to Reassign the Salary Grade for the Senior Maritime Commercial Representative Classification from Salary Grade 586.2 to Salary Grade 515.1. **(Finance & Admin)**

File ID: [\[297-22\]](#)

Human Resources Director, Michael Mitchell, introduced Item 6.3.

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

Ayes: 5 - Commissioner Colbruno, Commissioner Martinez, Commissioner Story, President Leslie and Commissioner Cluver

Excused: 2 - Second Vice-President Butner and First Vice-President Lee

7. UPDATES/ANNOUNCEMENTS

Port Attorney, Mary Richarson, introduced the new Deputy Port Attorney, Rachel Sommovilla.

Director of Communications, Robert Bernardo, shared an "Employee Spotlight" video highlighting Desmond DeMoss, Port Safety & Business Continuity Officer. Director Bernardo also presented a local news clip highlighting the Port of Oakland Green Jobs West Oakland Job Center.

8. SCHEDULING

There were no "Scheduling Items" on the Agenda.

OPEN FORUM

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

Oscar Navarrez, Grace Houston, Joey Friedman, Troy Collins, and George Vaiuto.

ADJOURNMENT

There being no additional business, the Meeting was adjourned at the hour of 5:39 p.m.

Approved: November 10, 2022

Daria Edgerly
Secretary of the Board