



PORT OF OAKLAND

*530 Water Street
Oakland, California 94607
510.627.1337*

Minutes

Thursday, December 1, 2022

4:45 PM

Board Room - 2nd Floor

The Public Portion Of The Meeting Will Begin At 4:45 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

1. CLOSED SESSION

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

Pamela Brown, Roderick McOwen, and Courtney Thornton.

President Leslie convened the Board in Closed Session at 1:16 p.m. to hear the following Items:

1.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - (Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54957.9): **Number of Matter(s): 2:**

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

(2) West Oakland Environmental Indicators Project v. Port of Oakland, et al., Alameda County Superior Court Case No. 22CV00890

File ID: [\[394-22\]](#)

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

Property: 8735 Earhart Road, Oakland, CA 94621; 7843 Earhart Road, Oakland, CA 94621

Negotiating Parties: KaiserAir, Inc. and the Port of Oakland

Agency Negotiator: Bryant L. Francis, Director of Aviation, Nyika A. Allen Assistant Airport Director, and Teddy Young Jr., Supervising Property Manager

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 Concessions 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: [\[395-22\]](#)

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: [\[396-22\]](#)

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

Title(s): Executive Director

File ID: [\[397-22\]](#)

OPEN SESSION/ROLL CALL

President Leslie called the Regular Meeting of December 1, 2022 to order in Open Session at the hour of 4:48 p.m.

Commissioner Story left the meeting at 5:27 p.m.

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) West Oakland Environmental Indicators Project v. Port of Oakland, et al., Alameda County Superior Court Case No. 22CV008905

Ty Hudson, Pamela Brown, Njambi Mungai, Byron Eigenhuis, Tonia Chapple, Brian Quinn, Courtney Thornton, Bridget Biagas, Julie Jun, Luis Arandia, Ruth Crowley, Michael Zivyak, Johnnie Crocker, and Roderick McOwen addressed the Board on the Closed Session Report.

2. CONSENT ITEMS

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

A motion was made by Commissioner Colbruno, seconded by Second Vice-President Butner, 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 4679:** Approval of Amendments to Space Use Permit for Non-Exclusive Rental Car Concession with Avis Budget Car Rental, LLC; Enterprise Rent A Car Company of San Francisco, LLC; Fox Rent A Car, Inc.; and, The Hertz Corporation to Extend the Term of the Agreements for an Additional Sixty (60) Months and Temporarily Reduce the Minimum Annual Guarantee for the First Year of the Extended Term. **(Aviation)**

File ID: [\[378-22\]](#)

This Ordinance was approved.

- 2.2 Ordinance 4680:** Amendment and Adoption of the Authority for the Port of Oakland to Collect Customer Facility Charges, not to Exceed \$10 Per Contract from On-Airport and \$8 Per Contract from Off-Airport Rental Car Companies, at Oakland International Airport for One Additional Year from January 1, 2023, to December 31, 2023, Into Chapter 5.05 and Appendix C-4 of the Port of Oakland Administrative Code (POAC) By Amending and Restating Port Ordinance Nos. 4079, 4246, 4388, and 4465. **(Aviation)**

File ID: [\[379-22\]](#)

This Ordinance was approved.

- 2.3 Ordinance 4681:** Approve and Authorize the Executive Director to Execute Amendment No. 4 to the Lease with I Scream Scoops LLC, dba Ben & Jerry's Ice Cream and Frozen Yogurt for the Premises Located at 5050 Macarano, Oakland, for a Fourth Extended Term of Five (5) Years, With One (1) Five (5) Year Option to Extend, for an Initial Monthly Rent of \$4,133.81 **(CRE)**

File ID: [\[377-22\]](#)

This Ordinance was approved.

- 2.4 Resolution 22-106:** Authorization to Renew the Owner Controlled Insurance Program ("OCIP") Arranged and Paid Through a Prime Insurance Broker for a Three-Year Term and in an Amount Not to Exceed \$6,400,000 Plus Posting of \$38,000 Escrow and \$464,000 in Collateral (Subject to Audit Adjustment) and Related Actions. **(Finance & Admin)**

File ID: [\[382-22\]](#)

This Resolution was approved.

- 2.5 Resolution 22-107:** Waive Competitive Bidding Requirements and Approve and Authorize the Executive Director to Enter Into a Supplemental Agreement With Cambridge Systematics, Inc. to Extend the Agreement Through December 31, 2024 for an Additional Amount of \$250,000 to Support Port Staff Efforts to Evaluate, Prepare, Apply for, and Manage Grants and Related Technical and Management Consulting Services for a Total Amount Not to Exceed Amount of \$400,000 and find that the proposed action is exempt under the California Environmental Quality Act (**Environmental Programs and Planning**)

File ID: [\[385-22\]](#)

This Resolution was approved.

- 2.7 Ordinance 4677,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute Amendment No. 8 To Space/Use Permit For Specialty Retail/Wine Bar Concession With Taste, Inc. Dba Vino Volo (I) To Extend The Term Through December 31, 2023 For Approximately \$266,710 In Anticipated Revenues, And (Ii) To 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.

File ID: [\[398-22\]](#)

This Ordinance was approved.

- 2.8 Ordinance 4678,** 2nd Reading Of An Ordinance Amending And Adopting The Airport Rules And Regulations As Chapter 8.01 And Appendix 2.2 Of The Port Of Oakland Administrative Code (POAC) By Amending And Restating Port Ordinance No. 4579.

File ID: [\[399-22\]](#)

This Ordinance was approved.

- 2.6 Resolution 22-108:** Resolution 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 Teleconferencing In Accordance With California Government Code Section 54953 (e). (**Board**)

File ID: [\[392-22\]](#)

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

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

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

Excused: 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 **Report:** Seaport Air Quality 2020 & Beyond Plan, Year 3 Progress Report **(Environmental & Maritime)**

File ID: [\[264-22\]](#)

Environmental Programs and Planning Director, Richard Simoff, presented Item 5.1.

Sasan Saadat, Katrina Tomas, and Margaret Gordon addressed the Board on Item 5.1.

This Report was received and filed.

6. REMAINING ACTION ITEMS

6.1 **PULLED Ordinance:** ~~Adoption of an Ordinance to Approve and Authorize the Executive Director to Execute a Lease with K... Air, Inc. Operating at Oakland International Airport for Three (3) Years from January 1, 2023 to December 31, 2025, with Annual Fixed Rent Consideration of \$1,749,840 and find that the proposed action is exempt under the California Environmental Quality Act. (Aviation)~~

File ID: [\[373-22\]](#)

This Ordinance was pulled.

6.2 **Ordinance 4682:** Approve and Authorize the Executive Director to Extend Space Assignment Agreements, Temporary Rental Agreements, and Temporary License Agreements that (a) Have Been in Effect for More than One Year as of November 10, 2022, and/or (b) Are Likely To Be In Effect For More Than One Year as of December 31, 2022 through December 31, 2023, Resulting in Annual Revenue of Approximately \$30 Million and find that the proposed action is exempt under the California Environmental Quality Act. **(Maritime)**

File ID: [\[348-22\]](#)

Maritime Director, Bryan Brandes, introduced Item 6.2.

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

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

Excused: 1 - Commissioner Story

- 6.3 Resolution 22-109:** Approve and Authorize the Executive Director to Enter Into a Contract with Koffler Electrical Mechanical Apparatus Repair, Inc. for On-Call Container Cranes Large Electric Motors; Maintenance, Repair, Reconditioning, Overhaul, and Replacement Services for Port of Oakland Owned Cranes for a Not-To Exceed Total of \$900,000 Over Three Years with Two One-Year Extensions and find that the proposed action is exempt under the California Environmental Quality Act. **(Engineering)**

File ID: [\[358-22\]](#)

Chief Operating Officer, Kristi McKenney, presented Item 6.3.

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: 6 - Commissioner Cluver, Commissioner Colbruno, Commissioner Martinez, Second Vice-President Butner, First Vice-President Lee and President Leslie

Excused: 1 - Commissioner Story

- 6.4 Resolution 22-110:** Approve and Authorize the Executive Director to Enter into an Agreement with UBEO West LLC for Managed Print Services for Eight Years in an Amount Not to Exceed \$785,000 Based on a Cooperative Purchasing Agreement **(Information Technology)**

File ID: [\[370-22\]](#)

Director of Information Technology, Kristi McKenney, introduced Item 6.4.

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

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

Excused: 1 - Commissioner Story

7. UPDATES/ANNOUNCEMENTS

Director of Commercial Real Estate, Pam Kershaw, announced that the Annual Tree Lighting Ceremony will be taking place in Jack London Square along with several other events throughout the month of December.

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 5:57 p.m.

Approved:

Daria Edgerly
Secretary of the Board

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