



## **PORT OF OAKLAND**

*530 Water Street  
Oakland, California 94607  
510.627.1337*

### **Minutes**

**Thursday, March 26, 2020**

**4:00 PM**

**Board Room – 2nd Floor**

## ROLL CALL

President Butner called the Regular Meeting of March 26, 2020 to order at the hour of 1:04 p.m. and the following Commissioners participated remotely:

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

## 1. CLOSED SESSION

Pursuant to Government Code Section 54954.2(b) and Section VII.B of the Port of Oakland Sunshine Ordinance, and as determined by a unanimous vote of the Board of Port Commissioners, because information about a tenant employee at Terminal 2 of the Oakland International Airport testing positive for COVID-19 had come to the attention of Port Staff and the Board of Port Commissioners after the agenda for this meeting had been posted, and because this matter reasonably required immediate Board action, the following item was added to the closed session agenda for this meeting:

**CONFERENCE WITH LABOR NEGOTIATORS** (Pursuant to California Government Code Section 54957.6):

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

President Butner convened the Board in Closed Session at 1:10 p.m. to hear the following Items:

- 1.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - (Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of California Government Code Section 54956.9): **Number of Matter(s): 1 (additional information provided on the Closed Session Agenda Report Item 1.1, "Potential Litigation Under California Government Code Section 54956.9 [One (1) Matter]," attached hereto)**

File ID: [\[135-20\]](#)

- 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 Port of Oakland

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

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

File ID: [\[136-20\]](#)

- 1.3 THREAT TO PUBLIC SERVICES OR FACILITIES** - (Pursuant to California Government Code Section 54957(a)):

**Consultation with:** *Douglas Mansel, Aviation Security Manager and Troy Hosmer, Port Facilities Security Officer*

**File ID:** [\[137-20\]](#)

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

**Title:** Port Attorney and Secretary of the Board

**File ID:** [\[138-20\]](#)

**OPEN SESSION/ROLL CALL**

President Butner called the Regular Meeting of March 26, 2020 to order in Open Session at the hour of 4:04 p.m.

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

**CLOSED SESSION REPORT**

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

**CONSENT ITEMS**

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

**A motion was made by First Vice-President Cluver, seconded by Commissioner Colbruno, to approve the Consent Agenda. The motion carried by the following vote:**

**Ayes:** 7 - Commissioner Colbruno, Commissioner Lee, Commissioner Martinez, Commissioner Story, Second Vice-President Leslie, First Vice-President Cluver and President Butner

**2.1 Building Permit:** for SSP America for Tenant Improvements, Peet's T1 Pre-Security, 1 Airport Drive, OAK

**File ID:** [\[118-20\]](#)

**This Resolution was approved.**

**2.2 Building Permit:** for High Flying Foods for Tenant Improvements, A16, 1 Airport Drive, OAK

**File ID:** [\[131-20\]](#)

**This Resolution was approved.**

- 2.3 Building Permit:** for Rylo Food Group for Tenant Improvements, Tay Ho, 1 Airport Drive, OAK

File ID: [\[132-20\]](#)

**This Resolution was approved.**

- 2.4 Building Permit:** for Pinnacle AG Services for Equipment Upgrades, 2440 W. 14th Street, OAB, Maritime

File ID: [\[133-20\]](#)

**This Resolution was approved.**

- 2.5 Minutes:** Approval of the Minutes of the Regular Meetings of February 13, 2020 and February 27, 2020. **(Board)**

File ID: [\[128-20\]](#)

**The Minutes were approved.**

- 2.6 Report:** Awards of On-Call Public Works and On-Call Professional Services Contracts by the Executive Director for the Period from October 2019 through December 2019. **(Engineering)**

File ID: [\[055-20\]](#)

**This Report was received and filed.**

- 2.7 Report:** Information Report: Commissioner's Travel Expenses for CY 2019. **(Finance & Admin)**

File ID: [\[039-20\]](#)

**This Report was received and filed.**

### **3. MAJOR PROJECTS**

There were no "Major Projects" on the Agenda.

### **4. BUDGET & FINANCE**

- 4.1 ~~PULLED~~ Report: ~~Port Pension Plan. (Finance & Admin)~~**

File ID: [\[099-20\]](#)

**This Report was pulled.**

- 4.2 Report:** FY 2021 Operating and Capital Budget Update #1, including Unaudited Financials for 7 Months ended January 31, 2020. **(Finance & Admin)**

File ID: [\[042-20\]](#)

Chief Financial Officer, Sara Lee, presented Item 4.2.

**This Report was received and filed.**

## 5. STRATEGY & POLICY

- 5.1 Report:** Discussion of Proposed Action to Amend and Restate the Code of Conduct for Members of the Board of Port Commissioners in Resolution No. 01397 to Address Social Media Issues. **(Port Attorney)**

File ID: [\[120-20\]](#)

Port Attorney, Michele Heffes, presented Item 5.1.

**This Report was received and filed.**

- 5.2 PULLED:** ~~Report: Strategic Plan and Master Plan Process and Ad Hoc Committee Reports. (Executive Office)~~

File ID: [\[124-20\]](#)

**This Report was pulled.**

- 5.3 Ordinance & Resolution:** (1) Suspending Provisions of the By-Laws and Administrative Rules of the Board of Port Commissioners, the Rules for Public Participation at Meetings of the Board of Port Commissioners and Standing Committees, and the Port of Oakland Sunshine Ordinance to Reduce the Risk of Exposure to COVID-19. (Port Attorney); (2) Ratifying and a Declaration of Emergency; and (3) Granting the Executive Director and the Port Attorney the Authority On a Temporary Basis to Conduct Business on Behalf of the Board, All In Order to Efficiently Conduct Port of Oakland Business While the Port Responds to the COVID-19 Pandemic and its Aftermath and Protects the Public Health and Safety. (Port Attorney & Executive Director)

File ID: [\[139-20\]](#)

Port Attorney, Michele Heffes, presented Item 5.3.

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

**Ayes:** 7 - Commissioner Colbruno, Commissioner Lee, Commissioner Martinez, Commissioner Story, Second Vice-President Leslie, First Vice-President Cluver and President Butner

## 6. REMAINING ACTION ITEMS

- 6.1 PULLED:** ~~Resolution: Approval of Construction Reimbursement Agreement Between Port of Oakland and Southwest Airlines Co. for Construction of an Expanded Outbound Baggage Building at Terminal 2 in an Amount Not to Exceed \$5.9 Million (Aviation)~~

File ID: [\[119-20\]](#)

**This Resolution was pulled.**

- 6.2 Resolution:** Approve and Authorize the Executive Director to Execute a Supplemental Agreement with Telos Identity Management Solutions, LLC (TelosID) to Extend the Term for Three Additional Years through June 30, 2023 and Add \$280,000 to the Maximum Compensation for TelosID to Continue Providing Designated Aviation Channeling (DAC) Services for Oakland International Airport **(Aviation)**

File ID: [\[126-20\]](#)

Aviation Director, Bryant Francis, introduced Item 6.2.

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

**Ayes:** 7 - Commissioner Colbruno, Commissioner Lee, Commissioner Martinez, Commissioner Story, Second Vice-President Leslie, First Vice-President Cluver and President Butner

- 6.3 Resolution:** Approve and Authorize the Executive Director to Enter Into a Five-Year Oracle Enterprise Resource Planning Software Licensing Agreement with Mythics, Inc. for a Cost Not to Exceed \$1,217,674. **(Finance & Admin)**

File ID: [\[040-20\]](#)

Chief Financial Officer, Sara Lee, introduced Item 6.3.

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

**Ayes:** 7 - Commissioner Colbruno, Commissioner Lee, Commissioner Martinez, Commissioner Story, Second Vice-President Leslie, First Vice-President Cluver and President Butner

- 6.4 Resolution:** Authorize the Executive Director to Execute a Supplemental Professional Services Agreement for Federal Consulting and Advocacy Services with Van Scoyoc Associates for up to Six (6) Months at an Amount Not to Exceed \$75,000 (\$12,500 per month) and Receive Board Input on Proposed Request for Proposal for Federal Consulting and Advocacy Services. **(Government Affairs)**

File ID: [\[127-20\]](#)

Government Affairs Director, Matt Davis, introduced Item 6.4.

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

**Ayes:**        **7** - Commissioner Colbruno, Commissioner Lee, Commissioner Martinez, Commissioner Story, Second Vice-President Leslie, First Vice-President Cluver and President Butner

## **7. UPDATES/ANNOUNCEMENTS**

President Butner thanked Chief Financial Officer, Sara Lee, for her service and commitment to the Port on behalf of the Board.

Executive Director, Danny Wan, also acknowledged Sara Lee for her dedication to the Port over the last 10+ years.

The Board & Port Staff wished Sara Lee the best of luck on her next chapter.

## **8. SCHEDULING**

There were no "Scheduling Items" on the Agenda.

## **OPEN FORUM**

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

Millie Cleveland, Charles Mathis, Edie Brown, Dominic Del Monte, Joe Phillips, Terrance Calloway, and Jean Parks were called to speak. Their comments were read into the record by the Board Secretary.

## **ADJOURNMENT**

There being no additional business, the Meeting was adjourned at the hour of 5:45 p.m.

Approved:

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Daria Edgerly  
Secretary of the Board