



PORT OF OAKLAND

*530 Water Street
Oakland, California 94607
510.627.1337*

Minutes

Thursday, April 23, 2020

4:15 PM

Board Room – 2nd Floor

ROLL CALL

President Butner called the Regular Meeting of April 23, 2020 to order at the hour of 1:02 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

President Butner convened the Board in Closed Session at 1:07 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 Report Item 1.1, "Potential Litigation Under California Government Code Section 54956.9 [One (1) Matter]," attached hereto)**

File ID: [\[162-20\]](#)

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

Property: Terminal Complex and Related Support Buildings at the South Field located at #1 Airport Drive; the Rental Car Center and Related Support Buildings at the North Field; and, the Metropolitan Golf Links Course, all located at Oakland International Airport

Negotiating Parties: Airlines and Concessionaires (Food & Beverage, Retail, Wine Bar, Lounge, Automated Specialty Retail, Passenger & Ground Handling, Rental Car, In-Flight Catering, Golf Course and Advertising)

Agency Negotiator: Bryant L. Francis, Director of Aviation & Brandon J. Mark, Manager of Aviation Properties

Under Negotiation: Price and Terms of Payment

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: [\[163-20\]](#)

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

Consultation with: *Douglas Mansel, Aviation Security Manager*

File ID: [\[164-20\]](#)

1.4 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

File ID: [\[165-20\]](#)

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

Title: Port Attorney

File ID: [\[166-20\]](#)

1.6 PUBLIC EMPLOYEE APPOINTMENT - (Pursuant to California Government Code Section 54957):

Title: Chief Audit Officer

File ID: [\[167-20\]](#)

OPEN SESSION/ROLL CALL

President Butner called the Regular Meeting of April 23, 2020 to order in Open Session at the hour of 4:39 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 the following action in Closed Session at the meetings of February 13, 2020 and January 23, 2020:

A motion was made by Colbruno , seconded by Leslie, to approve Resolution 20-10.

The motion carried by the following vote:

7 Ayes: 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 Butner

Resolution 20-10: Resolution Approving And Authorizing Execution Of A Settlement And Mutual Release With The Chapter 7 Trustee In The United States Bankruptcy Court, Northern District Of California Matter, Embarcadero Cove Enterprise LLC, Case No. 18-42821CN7, Allowing The Port Of Oakland's Proof Of Claim In The Amount Of \$1,181,986.86 And Subordinating That Claim To The Claims Of Other Unsecured Creditors In An Amount Not To Exceed \$45,000, Resulting In An Approximate Disbursement Of \$25,000 To The Port Of Oakland For The 5.29 Acres Of Property Located At One Embarcadero Cove In Oakland, California.

A motion was made by Martinez, seconded by Colbruno, to approve Resolution 20-01.

The motion carried by the following vote:

7 Ayes: 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 Butner

Resolution 20-01: Resolution Approving And Authorizing Execution Of The Following Agreements Regarding The Berth 35 Dredging Incident And Related Matters: 1) A Complaint, Consent Agreement And Final Order, Docket No. MPRSA-09-2020 With The United States Environmental Protection Agency Whereby The Port of Oakland Will Pay \$300,000; And 2) A Settlement Agreement And Release: EPA Enforcement of Berth 35 Dredging Event With Dutra Construction CO., Inc. Whereby Dutra Will Pay The Port A Total Of \$245,000.

David Fiore, Addrianna Carranza, Lian Allen, Leah Taylor, Alesandra Sadler, and Eloisa Torres addressed the Board on Item 1.2.

CONSENT ITEMS

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

A motion was made by Commissioner Colbruno, seconded by Second Vice-President Leslie, 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 Ordinance 4556**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Lease With Pacific Trailer Repair Services, LLC, DBA As United Intermodal Services, With A Term Expiring June 30, 2022, For Annual Revenue Averaging \$704,500 For Premises Located At The Former Union Pacific Roundhouse Property.

File ID: [\[168-20\]](#)

This Ordinance was approved.

- 2.2 Report:** Report of Appointments, Separations and Leaves of Absence for FY 2019-20, 3rd Quarter (January 1, 2020 - March 31, 2020). **(Finance & Admin)**

File ID: [\[044-20\]](#)

This Report was received and filed.

3. MAJOR PROJECTS

There were no "Major Projects" on the Agenda.

4. BUDGET & FINANCE

- 4.1 Resolution:** Authorization to (i) Pre-Pay the Port's Proportionate Share of the FY 2021 Unfunded Accrued Liability for the City of Oakland ("City") Miscellaneous Plan (Pension Plan) for which the Port is a Participant, in Lieu of 12 Monthly Payments and (ii) Enter into a Letter Agreement with the City Outlining Certain Procedures for FY 2021 as a Result of the City Participating in the CalPERS Pre-Pay Program. **(Finance & Admin)**

File ID: [\[002-20\]](#)

Acting Chief Financial Officer, Julie Lam, introduced Item 4.1.

A motion was made by Commissioner Story, seconded by First Vice-President Cluver, 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

5. STRATEGY & POLICY

- 5.1 Ordinance:** Amend and Restate the Code of Conduct for Members of the Board of Port Commissioners in Resolution NO. 01397 to Address Social Media and Board Meeting Conduct Issues. **(Port Attorney)**

File ID: [\[161-20\]](#)

Port Attorney, Michele Heffes, introduced Item 5.1.

A motion was made by Commissioner Colbruno, seconded by Commissioner Lee, 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 Resolution:** Authorize Executive Director to Execute All Documents, including Statement of Joint Objectives (SOJO), to Participate in the Transportation Security Administration's (TSA's) National Explosives Detection Canine Team (NEDCT) Program **(Aviation)**

File ID: [\[155-20\]](#)

Aviation Director, Bryant Francis, introduced Item 6.1.

Lian Alan addressed the Board on Item 6.1.

Aviation Security Manager, Douglas Mansel, addressed the Board's questions on Item 6.1.

A motion was made by Commissioner Story, seconded by Commissioner Lee, 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

- 6.2 Resolution:** (1) Approve a Budget of \$1,414,000 for Design and Construction of the Airport Security Gate Hardening Project; (2) Authorize the Executive Director to Dispense with Standard Bidding Procedures and Enter into a Sole Source Agreement with Electronic Innovations, Inc for an Amount Not-to-Exceed \$1,167,000 for the Airport Security Gate Hardening Project. **(Aviation)**

File ID: [\[158-20\]](#)

Aviation Director, Bryant Francis, introduced 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: 7 - Commissioner Colbruno, Commissioner Lee, Commissioner Martinez, Commissioner Story, Second Vice-President Leslie, First Vice-President Cluver and President Butner

6.3 Resolution: Authority to Renew Port of Oakland Insurance Policies Arranged and Paid Through Prime Insurance Brokers Described Herein in an Amount Not to Exceed \$4,853,000. **(Finance & Admin)**

File ID: [\[001-20\]](#)

Acting Chief Financial Officer, Julie Lam, introduced Item 6.3.

Port Risk Manager, Josh Schultz, presented Item 6.3.

A motion was made by Commissioner Story, seconded by First Vice-President Cluver, 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: Adoption of a Resolution Approving the Appointment of Retired Annuitant Arnel Atienza as Acting Chief Audit Officer Effective April 23, 2020 Until the Permanent Appointment of a Chief Audit Officer, At An Hourly Rate of \$103.00 with No Benefits, Incentives, Compensation in Lieu of Benefits, or Any Other Forms of Compensation, and Certifying: that the Position Requires Specialized Skills; and, that the Appointment is Necessary to Ensure Adequate Staffing During the State of Emergency. **(Finance & Admin.)**

File ID: [\[169-20\]](#)

Human Resources Director, Michael Mitchell, introduced Item 6.4.

A motion was made by Commissioner Colbruno, seconded by Commissioner Lee, 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

Chief Operating Officer, Kristi McKenney, updated the Board on the current state of Port Operations during the COVID-19 pandemic and thanked Port staff for their continued efforts. McKenney also confirmed that the Port remains operational during the COVID-19 pandemic.

President Butner acknowledged and thanked Maritime Director, John Driscoll, for his years of service to the Port and wished him well with his new role as the CEO of the Alabama State Port Authority.

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 in Honor of Lee Wan at the hour of 5:36 p.m.

Approved:

Daria Edgerly
Secretary of the Board

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