



## **PORT OF OAKLAND**

*530 Water Street  
Oakland, California 94607  
510.627.1337*

### **Minutes**

**Tuesday, July 14, 2020**

**3:00 PM**

**Board Room – 2nd Floor**

## ROLL CALL

President Butner called the Special Meeting of July 14, 2020 to order at the hour of 1:02 p.m. and the following Commissioners participated remotely:

**Present:** 6 - Commissioner Michael Colbruno, Commissioner Yui Hay Lee, Commissioner Arabella Martinez, Commissioner Joan Story, First Vice-President Andreas Cluver and President Ces Butner

**Excused:** 1 - Second Vice-President Barbara Leslie

## 1. CLOSED SESSION

President Butner convened the Board in Closed Session at 1:04 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): 2 (additional information provided on the Closed Session Agenda Report, "Potential Litigation Under California Government Code Section 54956.9 [Two (2) Matters]," attached hereto)**

**File ID:** [\[243-20\]](#)

- 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:** [\[244-20\]](#)

- 1.3 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 And Unrepresented Employees: Port Employee Units H/M

**File ID:** [\[245-20\]](#)

## OPEN SESSION/ROLL CALL

President Butner called the Special Meeting of July 14, 2020 to order in Open Session at the hour of 3:15 p.m.

## 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 Commissioner Story, seconded by First Vice-President Cluver, 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 4566**, 2nd Reading Of An Ordinance Amending Port Of Oakland Ordinance No. 4430 Relating To Landing And Tenant Terminal Space Rental Fees At Oakland International Airport, Changing The Methodology For Collecting Terminal 1 Baggage Claim Facility Usage Fees For FY2020-21, And Waiving Aircraft Parking Fees For Certain Signatory Airlines.

**File ID:** [\[237-20\]](#)

**This Ordinance was approved.**

- 2.2 Ordinance 4567**, 2nd Reading Of An Ordinance: (I) Approving And Authorizing Execution Of Amendments Waiving The Requirement To Pay Minimum Annual Guarantee For Fourteen Months (May 2020 Through June 2021) For Twenty Airport Concessionaires; (II) Approving And Authorizing Execution Of Amendments Extending The Term Of Space/Use Permit By One Year To May 31, 2022 For Two Airport Concessionaires: World Duty Free Group (AKA Hudson News) And Taste, Inc. (DBA Vino Volo); And (III) Waiving Monthly Rental For Automated Specialty Retail And Bank-Operated Automatic Teller Machines Located Within Closed Areas Of The Terminal Complex At Oakland International Airport.

**File ID:** [\[238-20\]](#)

**This Ordinance was approved.**

- 2.3 Ordinance 4568**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Third Amendment To The Temporary Rental Agreement With The City Of Oakland For Police Officer Staff Training To Extend The Term Through June 30, 2023, At Berth 33 In The Seaport.

**File ID:** [\[239-20\]](#)

**This Ordinance was approved.**

- 2.4 Minutes:** Approval of the Minutes of the Regular Meetings of June 11, 2020 and June 25, 2020. (Board)

File ID: [\[246-20\]](#)

The Minutes were approved.

### 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 Ordinance:** First Reading of an Ordinance to: (i) Extend the Term and Modify Rent Terms as Detailed in Proposed Amendment No. 5 to Space/Use Permit for Non-Exclusive In-Terminal Advertising Concession with Clear Channel Outdoor dba Clear Channel Airports at 30% of Gross Receipts; (ii) Waive the Restriction 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 at Oakland International Airport; and (iii) Authorize the Executive Director to Enter into Amendment No. 5 and any Other Necessary Agreements with Clear Channel (1 Airport Drive). **(Aviation)**

File ID: [\[223-20\]](#)

Aviation Director, Bryant Francis, introduced Item 6.1.

Brandon Mark, Aviation Properties Manager, presented Item 6.1.

**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

- 6.2 Resolution:** Authorize Executive Director to Execute a Supplemental Agreement with Stanley Convergent Security Solutions, Inc. to (1) Extend the Existing Agreement for One Year (Fiscal Year 2022), (2) Add Funding in the Amount of \$390,000 for Services during the One-Year Extension, and (3) Increase Hourly Billing Rates (10%) for the One-Year Extension **(Aviation)**

**File ID:** [\[225-20\]](#)

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:** 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 (No Actual Port Cash Outlay). **(Aviation)**

**File ID:** [\[233-20\]](#)

Aviation Director, Bryant Francis, introduced Item 6.3.

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

- 6.4 Ordinance:** Approve an Amendment to Space/Use Permit with Each of the Four Food & Beverage Concessionaires Operating at Oakland International Airport, Specifically, HFF OAK Venture, LLC ("HFF"); Rylo Management; Soaring Food Group, LLC; and, SSP America OAK, LLC ("SSP") to Modify Each Space/Use Permit including (i) Waiving Monthly Payment of Minimum Annual Guarantee Retroactively from May 1, 2020 through December 31, 2020 (Extension of the Rent Commencement Date to January 1, 2021); (ii) Waiving Required Payments into the Marketing and Mid-Term Refurbishment Funds; (iii) Adding 1,636 Square Feet to SSP's Assigned Space at an Initial Monthly Rent of \$9,253; and (iv) Formally Incorporating Two Units into the Definition of Assigned Space for HFF and SSP. **(Aviation)**

**File ID:** [\[236-20\]](#)

Aviation Director, Bryant Francis, introduced Item 6.4.

Brandon Mark, Aviation Properties Manager, presented Item 6.4.

**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

- 6.5 Ordinance:** Approve and Authorize the Executive Director to Execute Various Lease Amendments with Various Commercial Real Estate Division Restaurant Lessees Directly Impacted by the Alameda County Shelter in Place Order to Provide Short Term Rent Deferral and Abatement Consistent with the Proposed Rent Relief Program **(CRE)**

**File ID:** [\[226-20\]](#)

Commercial Real Estate Director, Pam Kershaw, introduced Item 6.5.

**A motion was made by Second Vice-President Leslie, seconded by Commissioner Martinez, 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

## **7. UPDATES/ANNOUNCEMENTS**

Executive Director, Danny Wan, updated the Board on the current state of Port Operations during the COVID-19 pandemic and thanked Port staff for their continued efforts. Director Wan also confirmed that the Port remains operational during the COVID-19 pandemic.

## **8. SCHEDULING**

There were no "Scheduling Items" on the Agenda.

## **9. ELECTION OF OFFICERS**

### **9.1 Resolution: Election of Officers (Board)**

**File ID:** [\[240-20\]](#)

President Butner called for nominations for the Offices of President, First Vice-President and Second Vice-President.

Commissioner Lee nominated Andreas Cluver for President.

Commissioner Cluver nominated BarbaraLeslie for First Vice-President.

Commissioner Leslie nominated Yui Hay Lee for Second Vice-President.

The election results, which were unanimous, were as follows: Andreas Cluver, President, Barbara Leslie, First Vice-President and Yui Hay Lee, Second Vice-President.

**A motion was made by Commissioner Story, 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

## **OPEN FORUM**

There were no Public Speakers in Open Forum.

## **ADJOURNMENT**

There being no additional business, the Meeting was adjourned at the hour of 4:11 p.m.

Approved:

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Daria Edgerly  
Secretary of the Board

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