



PORT OF OAKLAND

*530 Water Street
Oakland, California 94607
510.627.1337*

Minutes

Thursday, December 17, 2020

3:00 PM

Board Room – 2nd Floor

ROLL CALL

President Cluver called the Regular Meeting of December 17, 2020 to order at the hour of 11:08 a.m. and the following Commissioners participated remotely:

Commissioner Butner left the meeting at the hour of 12:11 p.m.

Commissioner Butner rejoined the meeting at the hour of 1:34 p.m.

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

1. CLOSED SESSION

President Cluver convened the Board in Closed Session at 11:11 a.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 [one (1) Matters],"** attached hereto)

File ID: [\[377-20\]](#)

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 the Port of Oakland

Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate

Under Negotiation: Price and Terms of Payment

Property: 0.4 acre of land on the Former Oakland Army Base known as the "Notch" located at 2000 Maritime Street, Oakland, CA 94607

Negotiating Parties: City of Oakland and Prologis Mesquite, LLC and the Port of Oakland

Agency Negotiator: Bryan Brandes, Maritime Director and Eric Napralla, Chief Wharfinger

Under Negotiation: Price and Terms of Payment

Property: Outer Harbor Terminal Berths 20-22

Negotiating Parties: Eagle Rock Aggregates, Inc. and the Port of Oakland

Agency Negotiator: Bryan Brandes, Director of Maritime and Eric Napralla, Chief Wharfinger

Under Negotiation: Price and Terms of Payment

Property: Berth 9, Port of Oakland, Oakland, CA

Negotiating Parties: Pacific Layberthing South, LLC and the Port of Oakland

Agency Negotiator: Bryan Brandes, Maritime Director and Eric Napralla, Chief Wharfinger

Under Negotiation: Price and Terms of Payment

File ID: [\[378-20\]](#)

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

Title: Chief Audit Officer

File ID: [\[379-20\]](#)

1.4 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: [\[387-20\]](#)

OPEN SESSION/ROLL CALL

President Cluver called the Regular Meeting of December 17, 2020 to order in Open Session at the hour of 3:04 p.m.

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

CLOSED SESSION REPORT

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

Commissioner Yui Hay Lee recused himself from Item 1.1 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 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 [one (1) Matters],” attached hereto)**

Commissioner Michael Colbruno recused himself from Item 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.

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

Property: Outer Harbor Terminal Berths 20-22

Negotiating Parties: Eagle Rock Aggregates, Inc. and the Port of Oakland

Agency Negotiator: Bryan Brandes, Director of Maritime and Eric Napralla, Chief Wharfinger

Under Negotiation: Price and Terms of Payment

CONSENT ITEMS

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

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

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

- 2.1 **Resolution:** Building Permit for Customs and Border Patrol Upgrades to Exit Gate at Everport Terminal. **(Maritime)**

File ID: [\[357-20\]](#)

This Resolution was approved.

- 2.2 **Resolution:** Building Permit for Customs and Border Patrol Upgrades to Exit Gate at Trapac Terminal. **(Maritime)**

File ID: [\[358-20\]](#)

This Resolution was approved.

- 2.3 **Resolution:** Building Permit for Customs and Border Patrol Upgrades to Exit Gate at SSA/OICT Terminal. **(Maritime)**

File ID: [\[359-20\]](#)

This Resolution was approved.

- 2.4 **Resolution:** Authorize the Executive Director to Enter into a Contract with ~~[To Be Determined]~~ McGuire and Hester in an Amount Not-To-Exceed ~~[To Be Determined]~~ \$1,063,540 For the Berth 57, 58, 59 Sanitary Sewer Lift Station Rehabilitation Project and Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not-to-Exceed ~~[To Be Determined]~~ \$160,000. **(Engineering/Maritime)**

File ID: [\[365-20\]](#)

This Resolution was approved.

- 2.5 **Resolution:** Authorize the Executive Director to Enter into a Contract with Haley and Aldrich, Inc. in an Amount Not-To-Exceed \$1,137,500 For Professional Services Support for Berth Maintenance Dredging for Three Years **(Engineering/Maritime)**

File ID: [\[368-20\]](#)

This Resolution was approved.

- 2.6 **Resolution:** Authorize the Executive Director to Enter into a Contract with Moffat and Nichol in an Amount Not-To-Exceed \$1,020,500 For Design and Construction Support Services for the Berths 55-59 Wharf Upgrades Project **(Engineering/Maritime)**

File ID: [\[369-20\]](#)

This Resolution was approved.

- 2.7 Resolution:** Authorize the Executive Director to Enter into a Contract with Power Engineering Construction Company in an Amount Not-to-Exceed \$921,750 for the Demolition and Removal of Port of Oakland Cranes X402, X403, and X404 At Berths 20 And 21 Project [Re-Bid] and Authorize the Executive Director to Execute Change Orders to the Extent Necessary in an Amount Not-To-Exceed \$200,000. **(Engineering/Maritime)**

File ID: [\[366-20\]](#)

This Resolution was approved.

- 2.8 Resolution:** Authorize the Executive Director to Enter into a Contract with ~~[To Be Determined]~~ Bay Construction Co. in an Amount Not-To-Exceed ~~[\$To Be Determined]~~ \$1,593,410 For the Sanitary Sewer Rehabilitation Outer Harbor Berths 20-24 Project [Re-Bid] and Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not-to-Exceed ~~-\$[To Be Determined]-~~ \$240,000. **(Engineering/Maritime)**

File ID: [\[364-20\]](#)

This Resolution was approved.

- 2.9 Resolution:** Authorization to Execute a Letter Agreement with the City of Oakland for Reformation and Maintenance Costs Related to Community Facilities District No. 2015-1, for an Amount Not to Exceed \$152,281.73 for Fiscal Years 2019-20 and 2020-21. **(Maritime)**

File ID: [\[376-20\]](#)

This Resolution was approved.

- 2.10 Resolution:** Adoption of Renewable Energy Resource Procurement Plan and Adoption of Program for Enforcement of the Renewable Portfolio Standards Program. **(Executive Office)**

File ID: [\[324-20\]](#)

This Resolution was approved.

- 2.11 Ordinance 4581,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A License And Concession Agreement With Oakland Digital Arts And Literacy Center, Inc., DBA Bridgegood, For A Five-Year Term Commencing January 1, 2021, Through December 31, 2025, With A Three-Year Mutually Agreed Upon Option For 2,600 Square Feet Of Premises At 95 Washington Street, Oakland, California With An Initial Monthly Rent Of \$2,700, And A Monthly Common Area Expense Reimbursement Of \$800.

File ID: [\[380-20\]](#)

This Ordinance was approved.

2.12 Minutes: Approval of the Minutes of the Regular Meeting of November 19, 2020. **(Board)**

File ID: [\[381-20\]](#)

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**5.1 Report:** Seaport Air Quality 2020 and Beyond Plan Mid-Year Progress Report **(Maritime)**

File ID: [\[375-20\]](#)

Environmental Programs and Planning Director, Richard Sinkoff, Tracy Fidell, Port Associate Environmental Planner/Scientist, Acting Chief Financial Officer Julie Lam, and Tim Leong, Senior Maritime Projects Administrator, presented Item 5.1.

Chief Operating Officer, Kristi McKenney and Social Responsibility Director, Amy Tharpe, addressed the Board on Item 5.1.

David Wooley, Michele Ghafar, Margaret Gordon, Roman Berenshteyn, and Sasan Saadat addressed the Board on Item 5.1.

This Report was received and filed.

5.2 Resolution: Amendment to Port Resolutions No. 19-41 (June 13, 2019) to 1) remove Requirement for a Year 2019 Emissions Inventory for Ocean-Going Vessels, Tugs and Rail and 2) Update the 2020 and Beyond Plan Intermediate-Term Equipment and Infrastructure Goal I-2 to Accelerate the Zero-Emissions Truck Deployment to 17 Zero-Emissions Drayage Trucks by 2021. **(Environmental Programs & Planning)**

File ID: [\[383-20\]](#)

Environmental Programs and Planning Director, Richard Sinkoff, introduced Item 5.2.

David Wooley addressed the Board on Item 5.2.

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

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

- 5.3 Resolution:** Approve and Authorize the Executive Director to Extend the Maritime and Aviation Project Labor Agreement (MAPLA) with the Building and Construction Trades Council of Alameda County, AFL-CIO for Five Years **(SRD)**

File ID: [\[382-20\]](#)

President Andreas Cluver recused himself from Item 5.3 due to a potential financial conflict and was not on the call and took no part in the discussion or deliberation of the item.

Social Responsibility Director, Amy Tharpe, introduced Item 5.3.

Rob Stoker and Ryan Ruff addressed the Board on Item 5.3.

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

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

Recused: 1 - President Cluver

6. REMAINING ACTION ITEMS

- 6.1 Resolution:** Authorize the Executive Director to Extend the Term of the Management Agreement with ABM Industry Groups, LLC, dba ABM Parking Services, for the Seaport Truck Parking/Container Depot by a Period of 89 Days, through April 30, 2021 at an Estimated Cost of \$975,000 and Estimated Net Revenue of \$825,000. **(Maritime)**

File ID: [\[371-20\]](#)

Maritime Director, Bryan Brandes, introduced Item 6.1.

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

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

- 6.2 Ordinance:** Approve and Authorize the Executive Director to Execute a Lease with Pacific Layberthing South, LLC, for Water and Land Area at Berth 9, for a Maximum Term of 10.5 Years, Resulting in Average Annual Revenue of Approximately \$521,288 **(Maritime)**

File ID: [\[374-20\]](#)

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

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

7. UPDATES/ANNOUNCEMENTS

There were no "Updates and Announcements" on the Agenda.

8. SCHEDULING

There were no "Scheduling Items" on the Agenda.

OPEN FORUM

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

Shaun Tai

ADJOURNMENT

There being no additional business, the Meeting was adjourned at the hour of 4:54 p.m.

Approved:

Daria Edgerly
Secretary of the Board