



PORT OF OAKLAND

*530 Water Street
Oakland, California 94607
510.627.1337*

Minutes

Thursday, March 11, 2021

4:00 PM

Board Room – 2nd Floor

ROLL CALL

President Cluver called the Regular Meeting of March 11, 2021 to order at the hour of 1:05 p.m. and the following Commissioners participated remotely:

Commissioner Ces Butner joined the meeting at 1:38 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 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): 5 (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: [\[072-21\]](#)

- 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: 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

File ID: [\[073-21\]](#)

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

Title: Port Attorney & Secretary of the Board

File ID: [\[074-21\]](#)

OPEN SESSION/ROLL CALL

President Cluver called the Regular Meeting of March 11, 2021 to order in Open Session at the hour of 4:02 p.m.

CLOSED SESSION REPORT

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

Second Vice-President 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): 5 (additional information provided on the Closed Session Agenda Report, "Potential Litigation Under California Government Code Section 54956.9 [two (2) 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

2. 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 Ordinance 4591**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute An Amendment To Space/Use Permit To Delete One Food & Beverage Concession Unit From The Definition Of Assigned Space In The Space/Use Permit With HFF Oak Venture, LLC And Simultaneously Enter Into A New Space/Use Permit With NFF Grewal, Inc. For The Same Food & Beverage Concession Unit And Under The Same Terms And Conditions, For A Term Expiring On December 31, 2029.

File ID: [\[069-21\]](#)

- 2.2 Ordinance 4592**, 2nd Reading Of An Ordinance Authorizing The Executive Director To Execute: (1) An Amendment To The Lease With Cool Port Oakland DRE, LLC To Defer Its First Exclusive Negotiating Right Option For Two Years; (2) An Amendment To The License And Concession Agreement With Conglobal Industries, LLC To Extend The Term By Two Years; And (3) An Amendment To The Lease With GSC Logistics, Inc. To Extend The Term For Two Years, Require Certain Tenant Improvements, Provide A Rent Credit Of Up To \$341,000 For Certain Improvements, And Provide A Reimbursement Of Up To \$100,000 For Certain Services; All Resulting In Annual Revenue Of Approximately \$3.9 Million.

File ID: [\[070-21\]](#)

- 2.3 Minutes:** Approval of the Minutes of the Regular Meeting of February 11, 2021. **(Board)**

File ID: [\[068-21\]](#)

- 2.4 Report:** Commissioners' Travel Expenses for CY 2020. **(Finance & Admin)**

File ID: [\[044-21\]](#)

- 2.5 Report:** Management Letter for Year Ended June 30, 2020. **(Finance & Admin)**

File ID: [\[045-21\]](#)

- 2.6 Report:** Deferred Compensation Plan Audit for the Year Ended June 30, 2020. **(Finance & Admin)**

File ID: [\[046-21\]](#)

3. MAJOR PROJECTS

There were no "Major Projects" on the Agenda.

4. BUDGET & FINANCE

- 4.1 Report:** Unaudited Financials for 6 months ended December 31, 2020 including Capital Expenditure Report. **(Finance & Admin)**

File ID: [\[042-21\]](#)

Chief Financial Officer, Julie Lam, introduced Item 4.1.

This Report was received and filed.

5. STRATEGY & POLICY

There were no Strategy & Policy Items to approve.

6. REMAINING ACTION ITEMS

- 6.1 Ordinance 4593:** First Reading of an Ordinance Approving and Authorizing Execution of a Space/Use Permit with Alclear, LLC dba CLEAR to Provide Registered Traveler Services at the Airport for a Term of 3+ Years (June 30, 2021 Expiration Date) with Anticipated FY2020-21 Revenue of \$36,000. **(Aviation)**

File ID: [\[067-21\]](#)

Assistant Aviation Director, Craig Simon, introduced Item 6.1.

Brandon Mark, Aviation Properties Manager, addressed the Board on Item 6.1.

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

- 6.2 Resolution 21-07:** Authorization for the Executive Director to Enter Into a Three Year On-Call Contract with KR Surface Industries for the Removal of Rubber Deposits and Painted Ground Markings on Airport Pavements for an Amount Not-to-Exceed \$275,000 through December 31, 2023. **(Aviation)**

File ID: [\[054-21\]](#)

Assistant Aviation Director, Craig Simon, introduced Item 6.2.

A motion was made by Commissioner Story, seconded by Second Vice-President Lee, 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

- 6.3 Resolution 21-08:** Authorize the Executive Director to Enter into a Management Agreement with ABM Industry Groups, LLC, dba ABM Parking Services. for the Seaport Truck Parking/Container Depot Facilities for a Term up to Five Years at an Estimated Total Cost of up to \$18.6 Million. **(Maritime)**

File ID: [\[053-21\]](#)

Maritime Director, Bryan Brandes, introduced Item 6.3.

Jason Garben, Senior Maritime Projects Administrator, addressed the Board on Item 6.3.

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

- 6.4 Resolution 21-09:** Authorize the Executive Director to Enter into a Contract with 1) West Yost in an Amount Not-to-Exceed \$5,000,000 For Design and Construction Support Services for the Rehabilitation of Sanitary Sewer Systems in Areas Including 7th Street, Berths 24 to 32, Middle Harbor Shoreline Park, Joint Intermodal Terminal, Berth 59, Berths 60-63, Roundhouse, and Howard Terminal and 2) Schaff and Wheeler in an Amount Not-to-Exceed \$1,7000,000 For Design and Construction Support Services for the Rehabilitation of Sanitary Sewer Systems in Areas Including Berths 55-58, Middle Harbor Road Lift Station (D06), Middle Harbor Shoreline Park Lift Station D10, and former Oakland Army Base Sewer Pipeline and Lift Stations (R80,R804, R834). **(Engineering/Maritime)**

File ID: [\[063-21\]](#)

Chief Operation Officer, Kristi McKenney introduced Item 6.4.

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

7. UPDATES/ANNOUNCEMENTS

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

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 4:31 p.m.

Approved:

Daria Edgerly
Secretary of the Board