



PORT OF OAKLAND

*530 Water Street
Oakland, California 94607
510.627.1337*

Minutes

Thursday, April 22, 2021

3:30 PM

Board Room – 2nd Floor

Draft

ROLL CALL

President Cluver called the Regular Meeting of April 22, 2021 to order at the hour of 1:04 p.m. and the following Commissioners participated remotely:

Present: 6 - Commissioner Michael Colbruno, Commissioner Arabella Martinez, Commissioner Joan Story, Second Vice-President Yui Hay Lee, First Vice-President Barbara Leslie and President Andreas Cluver

Excused: 1 - Commissioner Ces Butner

1. CLOSED SESSION

President Cluver convened the Board in Closed Session at 1:06 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 [one (1) Matter],"** attached hereto)

File ID: [\[132-21\]](#)

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

Property: Outer Harbor Terminal Berths 23-24

Negotiating Parties: TraPac, LLC and the Port of Oakland

Agency Negotiator: Bryan Brandes, Maritime Director

Under Negotiation: Price and Terms of Payment

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

File ID: [\[133-21\]](#)

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

Title: Executive Director

File ID: [\[134-21\]](#)

OPEN SESSION/ROLL CALL

President Cluver called the Regular Meeting of April 22, 2021 to order in Open Session at the hour of 3:34 p.m.

Present: 6 - Commissioner Michael Colbruno, Commissioner Arabella Martinez, Commissioner Joan Story, Second Vice-President Yui Hay Lee, First Vice-President Barbara Leslie and President Andreas Cluver

Excused: 1 - Commissioner Ces Butner

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) Matter],"** attached hereto)

2. CONSENT ITEMS

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

A motion was made by Commissioner Martinez, seconded by Second Vice-President Lee, to approve the Consent Agenda. The motion carried by the following vote:

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

Excused: 1 - Commissioner Butner

2.1 Resolution 21-18: Consent to Assignment of two Lease and Option to Lease Agreements at Oakland International Airport, from Piedmont Hawthorne Aviation, LLC to Signature Flight Support, LLC. **(Aviation)**

File ID: [\[114-21\]](#)

This Resolution was approved.

- 2.2 Ordinance 4597:** Adoption of an Ordinance Approving an Amendment to Extend the Space/Use Permit with Civil Air Patrol Operating at Oakland International Airport for One Year to June 30, 2022, with Annual Consideration of \$1. **(Aviation)**

File ID: [\[113-21\]](#)

This Ordinance was approved.

- 2.3 Resolution 21-19:** Authorization to Award the Removal and Disposal of Hazardous Waste, Universal Waste, and other Contaminated Materials Contract to Patriot Environmental Services for \$1,200,000 for the Period Commencing July 1, 2021 and Ending June 30, 2022, 2023, or 2024. **(Environmental Programs & Planning)**

File ID: [\[101-21\]](#)

This Resolution was approved.

- 2.4 Resolution 21-20:** Authorization to Award the Performing Emergency Spill Response or Emergency Repairs in a Hazardous Environment Contract to Patriot Environmental Services for \$450,000 for the Period Commencing July 1, 2021 and Ending June 30, 2022, 2023, or 2024. **(Environmental Programs & Planning)**

File ID: [\[102-21\]](#)

This Resolution was approved.

- 2.5 Ordinance 4595,** 2nd Reading Of An Ordinance Approving And Authorizing A Grant Of Easement To Pacific Gas And Electric Company For Access, Repair, And Maintenance Of Natural Gas Facilities Located In The Berth 24 Through Berth 26 Backlands, To Continue To Provide Natural Gas Service To Port Of Oakland Tenants, For No Monetary Consideration For Sixty-Six Years.

File ID: [\[130-21\]](#)

This Ordinance was approved.

- 2.6 Ordinance 4596,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A License And Concession Agreement With Mary Ann Swift, dba Afterguard Sailing Academy, For An Initial Annual Rent Of \$60,852 For Premises Located At 1285 Embarcadero Road, Oakland.

File ID: [\[131-21\]](#)

This Ordinance was approved.

- 2.7 **Minutes:** Approval of the Minutes of the Regular Meeting of March 25, 2021. **(Board)**

File ID: [\[129-21\]](#)

The Minutes were approved.

- 2.8 **Report:** Single Audit, Passenger Facility Charges and Customer Facility Charges Reports for the Year Ended June 30, 2020. **(Finance & Admin)**

File ID: [\[048-21\]](#)

This Report was received and filed.

- 2.9 **Report:** Report of Appointments, Separations and Leaves of Absence for FY 2020-21, 3rd Quarter (January 1, 2021 - March 31, 2021). **(Finance & Admin)**

File ID: [\[122-21\]](#)

This Report was received and filed.

3. MAJOR PROJECTS

There were no "Major Projects" on the Agenda.

4. BUDGET & FINANCE

- 4.1 **Report:** Unaudited Financials for 8 months ended February 28, 2021. **(Finance & Admin)**

File ID: [\[121-21\]](#)

Chief Financial Officer, Julie Lam, introduced Item 4.1.

This Report was received and filed.

5. STRATEGY & POLICY

- 5.1 **Report:** Changes to Tariff 2-A Proposed to be Effective July 1, 2021. **(Maritime)**

File ID: [\[116-21\]](#)

Maritime Director, Bryan Brandes, introduced Item 5.1.

This Report was received and filed.

6. REMAINING ACTION ITEMS

- 6.1 Ordinance 4598:** Approve the Terms and Conditions of an Amended and Restated Space/Use Permit with each of the Four Food & Beverage Concessionaires Operating at Oakland International Airport; Specifically: HFF OAK Venture, LLC; Rylo Management; Soaring Food Group II, LLC; and, SSP America OAK, LLC to Modify each Existing Space/Use Permit ("SUP") including: (1) Adopting Construction Schedules and Commencement of Payment of Minimum Annual Guarantee based on the Percentage of Enplaned Passengers Compared to CY2019; (2) Extending the Term of Each SUP through March 31, 2033 plus Two One-Year Options for the Port to Extend (Latest Expiration of March 31, 2035); (3) Adjusting the Calculation of Minimum Annual Guarantee; (4) Adding a New 15% Tier for Food Sales to the Percentage of Gross Revenues Calculation Effective January 1, 2026; (5) Setting the Date for Contributions to the Marketing Fund; (6) Adjusting and Setting the Date for Contributions to the Mid-Term Refurbishment Fund; (7) Deleting On Unit from the Definition of Assigned Space with HFF OAK Venture, LLC; (8) Authorizing the Executive Director to Approve a Change of Concept; and (9) Authorizing the Executive Director to Execute each Amended and Restated Space/Use Permit and Any Other Documents Necessary to Effect These Modifications; all for the Food & Beverage Concessions Program at Oakland International Airport. **(Aviation)**

File ID: [\[128-21\]](#)

Aviation Director, Bryant Francis, introduced Item 6.1.

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

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

Excused: 1 - Commissioner Butner

- 6.2 Resolution 21-21:** Authority to Renew Port of Oakland Insurance Policies Arranged and Paid Through Prime Insurance Brokers Described Herein in an Amount Not to Exceed \$5,707,000. **(Finance & Admin)**

File ID: [\[123-21\]](#)

Chief Financial Officer, Julie Lam, introduced Item 6.2.

Josh Schultz, Port Risk Manager, presented Item 6.2.

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

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

Excused: 1 - Commissioner Butner

6.3 Resolution 21-22: Authorize the Executive Director to Supplement the Agreement with Elation Systems, Inc. to Add an Additional One Year Option Term, and Increase the Not to Exceed Amount by \$56,500 for a total not to exceed amount of \$267,500 for the Web-Based Labor Compliance/Workforce Tracking System and Living Wage Compliance System (**Social Responsibility Division**)

File ID: [\[084-21\]](#)

Social Responsibility Director, Amy Tharpe, introduced Item 6.3

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

Excused: 1 - Commissioner Butner

7. UPDATES/ANNOUNCEMENTS

Social Responsibility Director, Amy Tharpe, paid tribute to the late, Ms. Dorothy King. Ms. King was the matriarch of the Everett and Jones Family Business and a Pillar of the Community. First Vice-President Leslie shared comments honoring Ms. King on behalf of the Oakland Chamber of Commerce. Ms. King's Daughter, Nina Moore, thanked the Port for acknowledging and honoring her late mother.

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 Dorothy King at the hour of 4:28 p.m.

Approved:

Daria Edgerly
Secretary of the Board