



MINUTES

Thursday, September 16, 2021

Board Room – 2nd Floor

ROLL CALL

President Cluver called the Regular Meeting of September 16, 2021 to order at the hour of 1:01 p.m. and the following Commissioners participated remotely:

Commissioner Butner joined the meeting at 1:29 p.m.

Present: 7 - Commissioner Ces Butner, Commissioner Michael Colbruno, Commissioner Arabella Martinez, Commissioner John 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 1:03 p.m. to hear the following Items:

- 1.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - (Significant Exposure to Litigation Pursuant to Paragraph (c) 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 [Anticipated Matter],” attached hereto)**

File ID: [\[273-21\]](#)

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: 555 Maritime Street, #516, Oakland, CA 94607

Negotiating Parties: Unicold Corporation and the Port of Oakland

Agency Negotiator: Bryan Brandes, Director of Maritime, and Delphine Prevost, Maritime Manager Admin/Finance

Under Negotiation: Price and Terms of Payment

Property: Vicinity of 7th Street, generally between Maritime Street to the west and Interstate 880 to the east, Oakland, CA

Negotiating Parties: Union Pacific Railroad (UP), Alameda County Transportation Commission (ACTC), and Port of Oakland

Agency Negotiator: Bryan Brandes, Maritime Director

Under Negotiation: Price and Terms of Payment

File ID: [\[274-21\]](#)

1.3 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: [\[275-21\]](#)

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

Title: Chief Audit Officer

File ID: [\[276-21\]](#)

OPEN SESSION/ROLL CALL

President Cluver called the Regular Meeting of September 16, 2021 to order in Open Session at the hour of 1:03 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.

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 (4) 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)

President Andreas Cluver 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: 1 Market Street, Oakland, CA (Howard Terminal)
Negotiating Parties: The Oakland Athletics and the Port of Oakland
Agency Negotiator: Patrick Kershaw, Director of Commercial Real Estate
Under Negotiation: Price and Terms of Payment

Dan Pruim addressed the Board in Closed Session.

Joey Friedman addressed the Board on Closed Session.

2. CONSENT ITEMS

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

A motion was made by Commissioner Butner, 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 4611:** Approve and Authorize the Executive Director to Execute a Fifth Supplemental Agreement to a Lease with DASL, LLC for Premises Located at the Cost Plus Parking Lot Located at 101 Clay Street to Extend the Term Through October 31, 2022, at a Monthly Rental Rate of \$9,880 **(CRE)**

File ID: [\[259-21\]](#)

This Ordinance was approved.

- 2.2 Ordinance 4607,** 2nd Reading of An Ordinance Approving Oakland International Airport Hangar/Ramp Space Agreements With Multiple General Aviation Tenants, For A Five Year Term Commencing July 1, 2021, And Expiring June 30, 2026, With Anticipated Annual Revenues Of \$527,484, Operating At The North Field Of Oakland International Airport.

File ID: [\[238-21\]](#)

This Ordinance was approved.

- 2.3 Ordinance 4608,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into A Second Amendment To Lease With Oakland Fuel Facilities Corporation ("OFFC") To: (1) Authorize Adjusting The Method Of Calculating Annual Rent; (2) Recover Over A Three-Year Period \$1.09 Million Of Unbilled Prior Year Revenues; (3) Allow OFFC To Use Up To \$1.8 Million For Fuel-Related Capital Improvements On The Premises Currently Held By The Port Of Oakland ("Port") In A Reserve Account Intended To Cover Certain Potential Environmental Monitoring And Remediation Expenses And (4) Apply The Port's Environmental Ordinance, Ordinance No. 4345 As It May Be Amended Or Restated From Time To Time, To The OFFC Lease.

File ID: [\[239-21\]](#)

This Ordinance was approved.

- 2.4 Ordinance 4609,** 2nd Reading of An Ordinance Approving And Authorizing The Executive Director To Execute A Lease With GSC Logistics, Inc. For Approximately 14.9 Acres Of Land At The Berths 33-34 Backlands Through June 30, 2025, Resulting In Average Annual Revenue Of Approximately \$2,190,000 And Providing Up To \$364,998 For Reimbursement Of Certain Tenant Improvements.

File ID: [\[240-21\]](#)

This Ordinance was approved.

- 2.5 **Ordinance 4610**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Amend (1) The Non-Exclusive Preferential Assignment Agreements With SSA Terminals (Oakland), LLC For Berths 55-56 And Berths 57-59, (2) The Amended And Fully Restated Agreement Regarding Combined Compensation At Berths 55-56 And Berths 57-59 With SSA Terminals (Oakland), LLC And (3) The Non-Exclusive Preferential Assignment Agreement With SSA Terminals (Oakland), LLC For Berths 60-63 To Modify Reimbursement Terms Associated With Excess Crane Removal Work And Combine And Clarify Certain Rent Terms.

File ID: [\[241-21\]](#)

This Ordinance was approved.

- 2.6 **Minutes:** Approval of the Minutes of the Special Meeting of July 15, 2021 & the Regular Meeting of July 22, 2021 (**Board**)

File ID: [\[272-21\]](#)

This Minutes were approved.

3. MAJOR PROJECTS

There were no "Major Projects" on the Agenda.

4. BUDGET & FINANCE

There were no Budget & Finance Items for approval.

5. STRATEGY & POLICY

- 5.1 **Report:** Oakland Container Shipping Market Dynamics and Terminal Operations (**Maritime**)

File ID: [\[270-21\]](#)

Maritime Director, Bryan Brandes, introduced Item 5.1.

Dan Smith, Principal, The Tioga Group, Inc., presented Item 5.1.

Director of Social Responsibility, Amy Tharpe, and Executive Director, Danny Wan, addressed the Board on Item 5.1.

6. REMAINING ACTION ITEMS

6.1 Ordinance 4612: First Reading of an Ordinance to: (i) Extend the Term for One (1) Year in Amendment No. 6 to Space/Use Permit for Non-Exclusive In-Terminal Advertising Concession with Clear Channel Outdoor dba Clear Channel Airports at Existing Rent of 30% 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 Execute Amendment No. 6 and any Other Necessary Agreements with Clear Channel. (1 Airport Drive) **(Aviation)**

File ID: [\[253-21\]](#)

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 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

6.2 Ordinance 4613: Adopt an Ordinance to (i) Approve the Terms and Conditions of a Space/Use Permit for Food & Beverage Concession with JF Grewal, Inc. for Space at Oakland International Airport Under the Same Terms and Conditions as the Amended and Restated Space/Use Permit for Food & Beverage Concession Authorized with Four Other Food & Beverage Concessionaires, for a Term Expires at the Latest on March 31, 2035; and (ii) Authorize its Execution by the Executive Director. **(Aviation)**

File ID: [\[254-21\]](#)

Aviation Director, Bryant Francis, introduced Item 6.2.

Brandon Mark, Aviation Properties Manager, presented Item 6.2.

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

6.3 Ordinance 4614: Adoption of an Ordinance Approving a Third Amendment to Temporary Rental Agreement with City Health, a Medical Corporation, to Extend the Term to August 31, 2022, with Anticipated Annual Revenues of \$42,000, Operating at Oakland International Airport. **(Aviation)**

File ID: [\[255-21\]](#)

Aviation Director, Bryant Francis, introduced Item 6.3.

A motion was made by Commissioner Colbruno, seconded by First Vice-President Leslie, 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

6.4 Resolution 21-58: Authorize the Executive Director to Execute a Change Order to Demolish Crane X437 with Power Engineering Construction Company in an Amount Not-to-Exceed \$720,000 and increase the Executive Director’s Authority to Execute Additional Change Orders to the Extent Necessary by \$100,000 to an Additional Amount Not-To-Exceed \$300,000. **(Engineering/Maritime)**

File ID: [\[261-21\]](#)

Chief Financial Officer, Kristi McKenney, presented Item 6.4

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

7. UPDATES/ANNOUNCEMENTS

Communications Director, Robert Bernardo, presented, Employee Recognition Video featuring Quynh Nguyen, Port Associate Engineer.

Brandon Mark, Aviation Properties Manager, announced the Grand Opening of Subway at the Oakland International Airport (OAK).

Executive Director, Danny Wan, announced the passing of former Maritime Marketing Manager, Lawrence Dunnigan.

Delphine Prevost, Manager of Marketing & Finance, also shared her condolences and fond memories of working closely with Mr. Dunnigan.

Executive Director, Danny Wan, announced the official hiring of Roberto Bernardo as the Port's new Director of Communication. Director Bernardo expressed his gratitude to Director Wan as well Commissioners.

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 5:49 p.m. in Memory of Lawrence Dunnigan.

Approved:

Daria Edgerly
Secretary of the Board