



MINUTES

Thursday, May 25, 2023

Board Room – 2nd Floor

ROLL CALL

President Leslie called the Regular Meeting of May 25, 2023 to order at the hour of 1:05 p.m. and the following Commissioners were in attendance:

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

1. CLOSED SESSION

The following members of the public addressed the Board on the Closed Session Items:

Bill Dow, Sheryl Walton, Susan Ransom, Margie Lewis, Carolyn Burgess, and Melvin Mackay

President Leslie convened the Board in Closed Session at 1:06 p.m. to hear the following Items:

1.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - (Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9): **Number of Matter(s): 1:**

East Oakland Stadium Alliance, Pacific Merchant Shipping Association, Harbor Trucking Association, California Trucking Association, Schnitzer Steel Industries, Inc., and International Longshore and Warehouse Union v. City of Oakland, etc., et al., Alameda County Superior Court Case No. 22CV009325, California Court of Appeal (First District, Division Four) Case No. A166221

File ID: [\[197-23\]](#)

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

Property: 1 Oakland Airport Drive, CA

Negotiating Parties: OAK Airline Tenants and the Port of Oakland

Agency Negotiator: Colleen Liang, Acting Director of EP&P and Craig Simon, Acting Director of Aviation

Under Negotiation: Price and Terms of Payment

File ID: [\[198-23\]](#)

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

Title: Chief Audit Officer

File ID: [\[199-23\]](#)

OPEN SESSION/ROLL CALL

President Leslie called the Regular Meeting of May 25, 2023 to order in Open Session at the hour of 3:14 p.m.

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

CLOSED SESSION REPORT

Port Attorney, Mary Richardson, reported that the Board had taken the following action in Closed Session at the meeting held on April 27, 2023:

A motion was made by Commissioner Colbruno, seconded by Commissioner Story, to approve Resolution 23-27. The motion carried by the following vote:

Ayes - 4: Commissioner Michael Colbruno, Commissioner Arabella Martinez, Commissioner Joan Story and President Barbara Leslie

Excused - 3: Commissioners Butner, Cluver and Lee

Resolution 23-27: Resolution Approving And Authorizing Execution Of A Settlement Agreement With Trapac, LLC ("TRAPAC") Settling Its July 6, 2021 Government Code Claim, As Amended, With The Port Of Oakland, Regarding Repair And Maintenance Costs And Associated Obligations Related To The Private Sewer Laterals Serving The Premises Leased To Trapac Under The Berths 25-33 Non-Exclusive Preferential Assignment Agreement, As Amended ("NEPAA"), As More Fully Set Forth In The Second Supplement To The NEPAA Presented To The Board On April 27, 2023

Commissioner Cluver recused himself from Item 1.1 due to a potential conflict of interest and was not in the room and took no part in the discussion or deliberation of the item.

1.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - (Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9): **Number of Matter(s): 1:**

(1) East Oakland Stadium Alliance, Pacific Merchant Shipping Association, Harbor Trucking

Association, California Trucking Association, Schnitzer Steel Industries, Inc., and International Longshore and Warehouse Union v. City of Oakland, etc., et al., Alameda County Superior Court Case No. 22CV009325, California Court of Appeal (First District, Division Four) Case No. A166221

2. CONSENT ITEMS

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

A motion was made by Commissioner Colbruno, seconded by Commissioner Story, to approve the Consent Agenda. The motion carried by the following vote:

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

- 2.1 Resolution 23-38:** Approve and Re-certify the Port of Oakland's Updated Sewer System Management Plan, Including Spill Emergency Response Plan and Other Program Elements Therein, and Delegate Authority to the Executive Director to Make the Associated Necessary Administrative and Procedural Changes (**Engineering**)

File ID: [\[165-23\]](#)

This Resolution was approved.

- 2.2 Ordinance 4703,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Five-Year Term Extension Of Multiple Agreements With Airport Tenants And Service Providers Operating At Oakland International Airport.

File ID: [\[189-23\]](#)

This Ordinance was approved.

- 2.3 Ordinance 4704,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A First Amendment To The License And Concession Agreement With Hanwen Investment Inc, Dba Dragon Gate Oakland, For The Premises Located At 1 Franklin Street, Oakland, To Adjust The Rent Payment Schedule And Extend The Term By Two Months, And Finding That The Proposed Action Is Exempt Under The California Environmental Quality Act.

File ID: [\[190-23\]](#)

This Ordinance was approved.

- 2.4 Ordinance 4705,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A License And Concession Agreement With Moussa Group LLC For The Premises Located At 7717 Oakport Street, Oakland, For A Term Of Seven (7) Years, For An Initial Monthly Rent Of \$7,669.00, And Finding That The Proposed Action Is Exempt Under The California Environmental Quality Act.

File ID: [\[191-23\]](#)

This Ordinance was approved.

- 2.5 Ordinance 4706**, 2nd Reading Of An Ordinance Approving Oakland International Airport Hangar/Ramp Space Agreements With Multiple General Aviation Tenants, For Terms Commencing On Various Dates And Expiring June 30, 2026, With Anticipated Annual Revenues Of \$8,538.00 For FY 2023, Operating At The North Field Of Oakland International Airport.

File ID: [\[192-23\]](#)

This Ordinance was approved.

- 2.6 Ordinance 4707**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Space/Use Permit With SP Plus Oak RCC Joint Venture For Use Of 51,770 Square Feet Of Partially Paved Land To Support Rental Car Shuttle Bus Storage And Operations At Oakland International Airport For A Term Expiring On December 31, 2027, And Finding That The Proposed Action Is Exempt Under The California Environmental Quality Act.

File ID: [\[193-23\]](#)

This Ordinance was approved.

- 2.7 Report:** Management Letter for Year Ended June 30, 2022. **(Finance & Admin)**

File ID: [\[094-23\]](#)

This Report was received and filed.

3. MAJOR PROJECTS

There were no "Major Projects" on the Agenda.

4. BUDGET & FINANCE

- 4.1 Resolution 23-39:** Approve the Extension of the Letters of Credit Supporting the Port's Commercial Paper Program for Three and One-Half Years at an Annual Fee of Approximately \$840,000; Authorize the Executive Director and Chief Financial Officer to Amend the Reimbursement Agreements and Fee Agreements with Bank of America National Association; and Execute Supporting Documents. **(Finance & Admin)**

File ID: [\[181-23\]](#)

Chief Financial Officer, Julie Lam, presented Item 4.1.

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

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

5. STRATEGY & POLICY

There were no Strategy & Policy Items to approve.

6. REMAINING ACTION ITEMS

- 6.1 Resolution 23-40:** Approve and Authorize the Executive Director to Award Public Works Contracts with: Silman Industries and Plant Construction Company, L.P. for On-Call General Building Contractor Services in the aggregate amount of \$5,000,000 and Gallagher & Burk Inc., McGuire and Hester, O.C. Jones & Sons, Inc., Teichert Construction, and Buhler Engineering, for On-Call Paving, Grading and General Contractor Services in the Aggregate Amount of \$14,000,000 for the Period Commencing July 1, 2023 and Ending June 30, 2024, 2025, or 2026. **(Engineering)**

File ID: [\[177-23\]](#)

Chief Operating Officer, Kristi McKenney, presented Item 6.1.

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

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

- 6.2 Resolution 23-41:** Approve and Authorize the Executive Director to Enter into an Agreement with Davillier-Sloan, Inc. for Construction Workforce Development and Labor Compliance Consulting Services for Projects Covered by the Maritime and Aviation Project Labor Agreement, for a Term of Five (5) Years with Two (2) One-Year Options to Extend, in a Total Amount Not to Exceed \$3,380,608 **(SRD)**

File ID: [\[182-23\]](#)

Commissioner Cluver recused himself from Item 6.2 due to a potential conflict of interest and was not in the room and took no part in the discussion or deliberation of the item.

Social Responsibility Director, Amy Tharpe, introduced Item 6.2.

Julina Bonilla, Workforce Development Manager presented Item 6.2.

Port Attorney, Mary Richardson and Executive Director, Danny Wan, addressed the Board on Item 6.2.

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

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

Recused: 1 - Commissioner Cluver

6.3 Resolution 23-42 and Ordinance 4708: Adoption of a Resolution to Approve the Terms and Conditions of Employment and Certain Benefits as Set Forth in the Memorandum of Understanding between the Port of Oakland and Service Employees International Union, Local 1021 for the period July 1, 2022 through September 30, 2025 (“successor MOU”) and Enactment of An Ordinance to Amend Port Ordinance No. 867 to Set the Salaries and Certain Benefits as set forth in the successor MOU. **(Finance & Admin)**

File ID: [\[188-23\]](#)

Human Resources Director, Michael Mitchell, introduced Item 6.3.

Dan Pruiim and Sharon Jenkins addressed the Board on Item 6.3.

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

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

7. UPDATES/ANNOUNCEMENTS

Director of Communications, Robert Bernardo, shared an "Employee Spotlight" video highlighting Nancy Jeu, Port Senior Human Resource Analyst.

8. SCHEDULING

There were no "Scheduling Items" on the Agenda.

OPEN FORUM

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

Savlan Houser

ADJOURNMENT

There being no additional business, the Meeting was adjourned at the hour of 4:19 p.m.

Approved: July 27, 2023

Daria Edgerly
Secretary of the Board