



MINUTES

Thursday, May 14, 2020

Board Room – 2nd Floor

ROLL CALL

President Cluver called the Regular Meeting of May 14, 2020 to order at the hour of 1:03 p.m. and the following Commissioners participated remotely:

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

1. CLOSED SESSION

President Cluver convened the Board in Closed Session at 1:07 p.m. to hear the following Items:

President Butner joined the meeting at 1:18 p.m.

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

Property: Terminal Complex and Related Support Buildings at the South Field located at #1 Airport Drive and Southwest Airlines' Vehicle Maintenance Facility at the North Field, all located at Oakland International Airport

Negotiating Parties: Port of Oakland; ~~and~~ Signatory Passenger and Air Cargo Airlines; ~~and Retail, Food & Beverage, Wine Bar, Lounge, Advertising and Rental Car Concessionaires at Oakland International Airport~~

Agency Negotiator: Bryant L. Francis, Director of Aviation & Brandon J. Mark, Manager of Aviation Properties

Under Negotiation: Price and Terms of Payment

Property: Various Properties Throughout Commercial Real Estate Division including Jack London Square, the Brooklyn Basin Area and the Embarcadero Road Corridor, the Oakland Airport Business Park, and the Bay Bridge Landing Area

Negotiating Parties: Port of Oakland and Various CRE Tenants within Hospitality, Restaurant, Advertising, Utilities, Industrial/Warehouse, and Office Industries

Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate

Under Negotiation: Price and Terms of Payment

Property: 1 Market Street, Oakland, CA (Howard Terminal)

Negotiating Parties: Port of Oakland and The Oakland Athletics

Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate
Under Negotiation: Price and Terms of Payment

Property: Outer Harbor Terminal Berths 22-24 and Howard Terminal Berths 67-68

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

Agency Negotiator: Chief Wharfinger, Eric Napralla

Under Negotiation: Price and Terms of Tenancy

File ID: [\[178-20\]](#)

- 1.2 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 Report Item 1.1, "Potential Litigation Under California Government Code Section 54956.9 [Two (2) Matters]," attached hereto)**

File ID: [\[177-20\]](#)

- 1.3 CONFERENCE WITH LABOR NEGOTIATORS** (Pursuant to California Government Code Section 54957.6):

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

File ID: [\[179-20\]](#)

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

Title: Port Attorney

File ID: [\[180-20\]](#)

OPEN SESSION/ROLL CALL

President Butner called the Regular Meeting of May 14, 2020 to order in Open Session at the hour of 4:32 p.m.

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

CLOSED SESSION REPORT

Port Attorney, Michele Heffes, reported that the Board had taken the following action in Closed Session:

A motion was made by Colbruno, seconded by Martinez, to approve Resolution 20-39.

The motion carried by the following vote:

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

Resolution 20-39: Resolution Approving And Authorizing Execution Of A Settlement Agreement And Partial Release With Respect To The Former APL Site At Berths 60-63 With Zurich American Insurance Company In The Amount Of \$90,000.

Robert Bernardo, Media/Public Relations Manager and Dan Pruim, Aviation Project Manager, addressed the Board on Item 1.3.

CONSENT ITEMS

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

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

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

- 2.1 Ordinance 4557**, 2nd Reading of an Ordinance Amending And Restating The Code Of Conduct For Members Of The Board Of Port Commissioners ("Board") In Port Of Oakland Resolution No. 01397 To Address Social Media And Board Meeting Conduct Issues. **(Board)**

File ID: [\[183-20\]](#)

This Ordinance was approved.

- 2.2 Minutes:** Approval of the Minutes of the Regular Meetings of March 26, 2020 and April 9, 2020 . **(Board)**

File ID: [\[175-20\]](#)

The Minutes were approved.

3. MAJOR PROJECTS

There were no "Major Projects" on the Agenda.

4. BUDGET & FINANCE

- 4.1 Report:** FY 2021 Operating and Capital Budget Update #2, including Unaudited Financials for 9 Months ended March 31, 2020 **including Capital Expenditure Report. (Finance & Admin)**

File ID: [\[046-20\]](#)

Acting Chief Financial Officer, Julie Lam, introduced Item 4.1.

Aviation Director, Bryant Francis, Acting Maritime Director, Delphine Prevost and Commercial Real Estate Director, Pam Kershaw, addressed the Board on 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 Resolution:** Authorization for the Executive Director to Enter into a Professional Services Contract for External Auditing Services with Macias Gini & O'Connell LLP for the Fiscal Years Ending June 30, 2020 and 2021, with Three (3) Possible One-Year Extensions for Audit Services for Fiscal Years Ending June 30, 2022, 2023 and 2024, for a total not to exceed amount of \$1,482,895. **(Finance & Admin)**

File ID: [\[067-20\]](#)

Acting Chief Financial Officer, Julie Lam, 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 Colbruno, Commissioner Lee, Commissioner Martinez, Commissioner Story, Second Vice-President Leslie, First Vice-President Cluver and President Butner

- 6.2 Resolution:** Authorize the Executive Director to Enter into Supplemental Agreements with Ray A. Morgan Company for Managed Print Services and Equipment Lease for 3 Years in the Amount Not to Exceed \$362,250. **(Information Technology)**

File ID: [\[160-20\]](#)

Director of Information Technology, Kyle Mobley, introduced Item 6.2.

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

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

- 6.3 Ordinance:** Enactment of the Ordinance Necessary to Ratify and Set the Annual Salary for the

Secretary of the Board to \$185,000 Retroactive to the First Day of the Pay Period Containing January 1, 2020. **(Finance & Admin.)**

File ID: [\[176-20\]](#)

Human Resources Director, Michael Mitchell, introduced Item 6.3.

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

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

7. UPDATES/ANNOUNCEMENTS

Commissioner Michael Colbruno requested the Board adjourn in memory of former Government Affairs Manager, Eve Grossman Bukowski. Second Vice-President, Barbara Leslie and Government Affairs Director, Matt Davis also expressed their sentiments and shared kind words about Ms. Bukowski.

8. SCHEDULING

There were no "Scheduling Items" on the Agenda.

OPEN FORUM

There were no Public Speakers in Open Forum.

ADJOURNMENT

President Butner reconvened the Board in Closed Session at 5:58 p.m. to hear the following Items:

CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to California Government Code Section 54957.6):

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

Commissioner Colbruno left the meeting at the hour of 5:58 p.m.

Commissioner Leslie left the meeting at the hour of 6:48 p.m.

There being no additional business, the Meeting was adjourned at the hour of 6:56 p.m., in Memory of Eve Grossman Bukowski.

Approved: June 25, 2020

Daria Edgerly
Secretary of the Board