



MINUTES

Thursday, May 28, 2020

Board Room – 2nd Floor

ROLL CALL

President Cluver called the Regular Meeting of May 28, 2020 to order at the hour of 1:05 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 1:09 p.m. to hear the following Items:

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

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

File ID: [\[187-20\]](#)

- 1.2 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 Located Throughout Commercial Real Estate Division, including Jack London Square, the Brooklyn Basin Area, 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: The Oakland Athletics and Port of Oakland

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, Pacific Layberthing South, LLC and Leidos, Inc.

Agency Negotiator: Chief Wharfinger, Eric Napralla

Under Negotiation: Price and Terms of Tenancy

File ID: [\[188-20\]](#)

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: [\[189-20\]](#)

OPEN SESSION/ROLL CALL

President Butner called the Regular Meeting of May 28, 2020 to order in Open Session at the hour of 4:35 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 no final action in Closed Session.

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

2. CONSENT ITEMS

A motion was made by Commissioner Story, 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 4558**, 2nd Reading Of An Ordinance Amending Port Of Oakland Ordinances No. 867 Ratifying And Setting The Annual Salary For The Secretary Of The Board At \$185,000 Retroactive To The First Day Of The Pay Period Containing January 1, 2020.

File ID: [\[190-20\]](#)

This Ordinance was approved.

- 2.2 Minutes:** Approval of the Minutes of the Regular Meeting of April 23, 2020. **(Board)**

File ID: [\[191-20\]](#)

The Minutes were approved.

- 2.3 Report:** Awards of Public Works and Professional Services Contracts by the Executive Director for the Period from January 2020 through March 2020. **(Engineering)**

File ID: [\[172-20\]](#)

This Report was received and filed.

- 2.4 Report:** Actions Taken by the Executive Director under Authority Granted by the Board of Port Commissioners per Resolution 20-30 **(Executive Office)**

File ID: [\[192-20\]](#)

This Report was received and filed.

3. MAJOR PROJECTS

There were no "Major Projects" on the Agenda.

4. BUDGET & FINANCE

There were no Budget & Finance Items to approve.

5. STRATEGY & POLICY

There were no Strategy & Policy Items to approve.

6. REMAINING ACTION ITEMS

- 6.1 Resolution:** Approve and authorize the Executive Director to execute a Fourth Supplemental Agreement with Oakland Fire Services Administration to extend the existing Memorandum of Understanding (MOU) for Aircraft Rescue and Fire Fighting one (1) year through June 30, 2021. **(Aviation)**

File ID: [\[171-20\]](#)

Aviation Director, Bryant Francis, introduced Item 6.1.

A motion was made by First Vice-President Cluver, seconded by Second Vice-President Leslie, 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 Ordinance:** Approval of Various Amendments to Tariff No. 2-A, Effective July 1, 2020, to (a) clarify and establish certain non-containerized cargo wharfage rates; (b) eliminate monthly dockage rates and rules; (c) make revisions to rules and rates for the Port-owned Truck Parking/Container Depot facilities; (d) establish payment responsibility and fees for security guards; (e) establish a utility connection fee; (f) expand the discretion to deny applications for events at the Middle Harbor Shoreline Park; and (g) make various other administrative updates **(Maritime)**

File ID: [\[173-20\]](#)

Acting Maritime Director, Deldphine Prevost, introduced Item 6.2.

This Ordinance was approved.

- 6.3 Resolution:** Authorize the Executive Director to Execute a Feasibility Cost Sharing Agreement with the U.S. Army Corps of Engineers and Approve a Budget of \$1,500,000 for the Oakland Harbor Turning Basins Widening Feasibility Study. **(Maritime)**

File ID: [\[184-20\]](#)

Acting Maritime Director, Delphine Prevost, introduced Item 6.3.

Eric Napralla, Chief Wharfinger, presented Item 6.3.

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

- 6.4 Resolution:** For the Ben E. Nutter Terminal Pavement Maintenance Project (i) Approve a Project Budget in an Amount Not-To-Exceed \$2,195,560; (ii) Authorize the Executive Director to Enter Into a Contract with Oliver de Silva dba Gallagher & Burk, Inc. in an Amount Not-To-Exceed \$1,667,875; and (iii) Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not-to-Exceed \$333,575. **(Engineering/Maritime)**

File ID: [\[174-20\]](#)

Chief Financial Officer, Kristi McKenney, introduced Item 6.4.

A motion was made by Commissioner Lee, 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

7. UPDATES/ANNOUNCEMENTS

Executive Director, Danny Wan, updated the Board on the current state of Port Operations during the COVID-19 pandemic and thanked Port staff for their continued efforts. Director Wan also confirmed that the Port remains operational during the COVID-19 pandemic.

8. SCHEDULING

There were no "Scheduling Items" on the Agenda.

OPEN FORUM

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

Brian Beveridge

ADJOURNMENT

There being no additional business, the Meeting was adjourned at the hour of 5:35 p.m.

Approved: July 23, 2020

Daria Edgerly
Secretary of the Board