



## MINUTES

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Thursday, September 10, 2020

Board Room – 2nd Floor

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### ROLL CALL

President Cluver called the Regular Meeting of September 10, 2020 to order at the hour of 1:07 p.m. and the following Commissioners participated remotely:

**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

### 1. CLOSED SESSION

President Cluver convened the Board in Closed Session at 1:09 p.m. to hear the following Items:

Commissioner Butner joined the meeting at 1:38 p.m.

Commissioner Butner left the meeting at the hour of 3:04.

Commissioner Butner re-joined the meeting at 3:58 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 Agenda Report, "Potential Litigation Under California Government Code Section 54956.9 [one (1) Matter],"** attached hereto)

File ID: [\[268-20\]](#)

- 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 Port of Oakland

**Agency Negotiator:** Pamela Kershaw, Director of Commercial Real Estate

**Under Negotiation:** Price and Terms of Payment

**Property:** One Airport Drive, Oakland CA

**Negotiating Parties:** Southwest Airlines and Port of Oakland

**Agency Negotiator:** Bryant L. Francis, Director of Aviation

**Under Negotiation:** Price and Terms of Payment

File ID: [\[269-20\]](#)

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

Employee Organization: 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: [\[270-20\]](#)

**1.4**

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

Title: Chief Audit Officer

File ID: [\[272-20\]](#)

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

Title: Executive Director

File ID: [\[271-20\]](#)

**OPEN SESSION/ROLL CALL**

President Cluver called the Regular Meeting of September 10, 2020 to order in Open Session at the hour of 4:32 p.m.

**Present:** 7 - Commissioner Michael Colbruno, Second Vice-President Yui Hay Lee, Commissioner Arabella Martinez, Commissioner Joan Story, First Vice-President Barbara Leslie, President Andreas Cluver and Commissioner 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 Commissioner Colbruno, seconded by Commissioner Martinez, to approve Resolution 20-65. The motion carried by the following vote:**

**7 Ayes:** 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.

**Resolution 20-65:** Resolution Approving And Authorizing Execution Of A Settlement Agreement And Release With Indian Harbor Insurance Company Concerning Multiple Sites At The Former Oakland Army Base In The Amount Of \$2.9 Million.

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

### 2.1 **Minutes:** Approval of the Minutes of the Regular Meeting of July 14, 2020. **(Board)**

**File ID:** [\[267-20\]](#)

**The Minutes were approved.**

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

**File ID:** [\[266-20\]](#)

**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

### 5.1 **Report: Overview and Summary of the Port of Oakland's Purchasing Authorities and Procedures - Port Ordinance No. 4321 and Potential Revisions for Possible Adoption by the Board of Port Commissioners at a Future Meeting. (Port Attorney)**

**File ID:** [\[275-20\]](#)

Port Attorney, Michele Heffes, introduced Item 5.1.

Assistant Port Attorney, Mary Richardson, presented Item 5.1.

Chief Operating Officer, Kristi McKenney, addressed the Board on Item 5.1.

Social Responsibility Director, Amy Tharpe, addressed the Board on Item 5.1.

**This Report was received and filed.**

## **6. REMAINING ACTION ITEMS**

- 6.1 Resolution:** Approve and Authorize the Executive Director to Execute an Agreement with United States Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services (USDA APHIS WS) to Provide Two Full-Time Personnel to Perform Wildlife Management Services at Oakland International Airport for Five (5) Years, Through Federal Fiscal Year (FFY) 2025, in an Amount Not to Exceed \$1,385,000. **(Aviation)**

**File ID:** [\[264-20\]](#)

**A motion was made by Commissioner Martinez, seconded by Second Vice-President Lee, 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**

Commissioner Butner announced that Commissioner Martinez was selected to speak at the Oakland Rotary Club regarding the history of the Hispanic community in Oakland and congratulated her on her selection.

President Cluver announced that he virtually attended the Asian Employee Scholarship Program event for the first time and thanked Port staff for their work and effort in organizing the event.

## **8. SCHEDULING**

There were no "Scheduling Items" on the Agenda.

## **OPEN FORUM**

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

Garret Riegg

## **ADJOURNMENT**

There being no additional business, the Meeting was adjourned at the hour of 5:52 p.m.

Approved: October 8, 2020

Daria Edgerly  
Secretary of the Board