



MINUTES

Thursday, October 8, 2020

Board Room – 2nd Floor

ROLL CALL

President Cluver called the Regular Meeting of October 8, 2020 to order at the hour of 1:04 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 1:06 p.m. to hear the following Items:

- 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): 1 (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: [\[294-20\]](#)

- 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: Athletics Investment Group LLC D/B/A The Oakland Athletics and Port of Oakland

Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate

Under Negotiation: Price and Terms of Payment

Property: All Food & Beverage Concessions Units at Oakland International Airport (approximately 21,000 SF in seventeen locations)

Negotiating Parties: High Flying Foods, Rylo Management, Soaring Foods Group and SSP America, and Port of Oakland

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

Under Negotiation: Price and Terms of Payment

File ID: [\[295-20\]](#)

1.3 ~~PULLED: 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: [\[296-20\]](#)~~

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

Title: Executive Director

File ID: [\[300-20\]](#)

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

Title: Acting Chief Audit Officer

File ID: [\[298-20\]](#)

OPEN SESSION/ROLL CALL

President Cluver called the Regular Meeting of October 8, 2020 to order in Open Session at the hour of 3:19 p.m.

Commissioner Story joined the meeting at 3:23 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.

Adrianna Carranza and Charlene addressed the Board on the Closed Session Report.

2. CONSENT ITEMS

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

Alessandra Sadler addressed the Board on the Consent Items.

A motion was made by Second Vice-President Lee, seconded by Commissioner Colbruno, 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 4572**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute An Other Transaction Agreement Hsts01-15-H-Ckp050 Modification Number P00006 With The United States Of America, Acting Through The Transportation Security Administration, Eliminating Monthly Payment Of \$9,678.90 To The Port Of Oakland For Janitorial Services In The Transportation Security Administration Security Checkpoints At Oakland International Airport.

File ID: [\[297-20\]](#)

This Ordinance was approved.

- 2.2 Minutes:** Approval of the Minutes of the Regular Meetings of July 23, 2020 and September 10, 2020. **(Board)**

File ID: [\[291-20\]](#)

The Minutes were approved.

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 Ordinance:** Approval of the Third Amendment to Lease with Avis Budget Car Rental, LLC and the Third Amendment to Lease with DTG Operations, Inc. for Use of Property at Oakland International Airport with Anticipated Total Revenues of \$634,800. **(Aviation)**

File ID: [\[285-20\]](#)

Aviation Director, Bryant Francis, introduced Item 6.1.

A motion was made by Commissioner Story, seconded by Commissioner Butner, 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:** Approve and Authorize Executive Director to Enter Into a Space/Use Permit with Air Culinaire Worldwide, LLC for a Term of 37 Months for a Minimum Monthly Rent of \$500 or 10% of Gross Revenue, Whichever is Greater, to Provide In-Flight Catering Services at Oakland International Airport. **(Aviation)**

File ID: [\[286-20\]](#)

Aviation Director, Bryant Francis, introduced Item 6.2.

Lian Alan Addressed the Board on Item 6.2.

Brandon Mark, Aviation Properties Manager and Executive Director, Danny Wan, addressed the Board's questions on Item 6.2.

A motion was made by Commissioner Butner, 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:** Approval of First Supplemental Agreement to Berth 34 Backland Lease with Everport Terminal Services, Inc., to Extend Term through June 30, 2023; and Approval of Fifth Supplemental Agreement to Berth 35-38 Lease with Everport Terminal Services, Inc., to Address a New Tenant-Owned Crane, Removal of a Port-Owned Crane, Remove Port Obligation to Buy Tenant-Owned Cranes, and Make Other Minor Modifications; Together Resulting in Gross Revenue Loss of \$1.3 Million and Expense of Approximately \$700,000 Through June 30, 2023, which Revenue and Expense are Expected to be Fully Offset by Terms of the Proposed Supplemental Agreements. **(Maritime)**

File ID: [\[276-20\]](#)

Maritime Director, Bryan Brandes, introduced Item 6.3.

Pia Franzese, Senior Maritime Project Administrator, presented Item 6.3.

Delphine Prevost, Manager of Admin/Finance Services, addressed the Board's questions on Item 6.3.

A motion was made by Commissioner Colbruno, seconded by Commissioner Butner, 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:** Authorize the Executive Director to Execute a Professional Services Agreement for

Federal Consulting and Advocacy Services with Van Scoyoc Associates for up to two (2) years, with two (2) additional one-year extensions permitted at the discretion of the Executive Director, for a Total Amount Not to Exceed \$610,000 over four years (\$12,500 per month, plus \$2,500 per year in incidental and pre-approved expenses). **(Government Affairs)**

File ID: [\[287-20\]](#)

Government Affairs Director, Matt Davis, Introduced Item 6.4.

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

Executive Director, Danny Wan, announced that the United States Coast Guard awarded the Port a Commendation and Medal for the Port's leadership in assisting with disembarking of passengers off of the Grand Princess Cruise Ship during the early phases of the COVID-19 pandemic. Director Wan also praised a long list of Port Staff who tirelessly worked around the clock to assist with the emergency operation.

First Vice-President Leslie, announced that Anna Leary, Chief of Staff to Governor Gavin Newsom, thanked the Port on behalf of the Governor's Office for its' role in assisting with the operations of docking the cruise vessel on Port Land during the pandemic.

Director of Aviation, Bryant Francis, announced new non-stop Southwest Airlines flights from Oakland International Airport to Palm Springs. Director Francis also announced the Port's partnership with City Health to provide free drive-through COVID-19 testing at Oakland International Airport for passengers and members of the community.

President Cluver announced that he and Commissioner Lee attended the 54th Annual UN Flag Raising virtual event and highlighted the events success and high attendance rate.

8. SCHEDULING

8.1 Resolution: Adopting the Regular Board Meeting Schedule for Calendar Year 2021. **(Board)**

File ID: [\[293-20\]](#)

Secretary of the Board, Daria Edgerly, introduced Item 8.1.

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

OPEN FORUM

There were no Public Speakers in Open Forum.

ADJOURNMENT

President Cluver reconvened the Board in Closed Session at 4:13 p.m. to hear the following Items:

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

Property: All Food & Beverage Concessions Units at Oakland International Airport (approximately 21,000 SF in seventeen locations)

Negotiating Parties: High Flying Foods, Rylo Management, Soaring Foods Group and SSP America, and Port of Oakland

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

Under Negotiation: Price and Terms of Payment

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

Title: Executive Director

There being no additional business, the Meeting was adjourned at the hour of 5:16 p.m.

Approved: November 19, 2020

Daria Edgerly
Secretary of the Board