



MINUTES

Thursday, October 22, 2020

Board Room – 2nd Floor

ROLL CALL

President Cluver called the Regular Meeting of October 22, 2020 to order at the hour of 1:03 p.m. and the following Commissioners participated remotely:

Commissioner Butner joined the meeting at 1:35 p.m.

Commissioner Butner left the meeting at the hour of 3:08 p.m.

Present: **6** - Commissioner Ces Butner, Commissioner Michael Colbruno, Commissioner Arabella Martinez, Commissioner Joan Story, First Vice-President Barbara Leslie and President Andreas Cluver

Excused: **1** - Second Vice-President Yui Hay Lee

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: [\[311-20\]](#)

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: 1 Market Street, Oakland, CA (Howard Terminal Berth 68)

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

Agency Negotiator: Bryan Brandes, Director of Maritime and Eric Napralla, Chief Wharfinger

Under Negotiation: Price and Terms of Payment

File ID: [\[312-20\]](#)

1.3 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: [\[313-20\]](#)

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

Title: Chief Financial Officer, Chief Audit Officer

File ID: [\[314-20\]](#)

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

Title: Executive Director, Port Attorney

File ID: [\[316-20\]](#)

OPEN SESSION/ROLL CALL

President Cluver called the Regular Meeting of October 22, 2020 to order in Open Session at the hour of 4:19 p.m.

Present: **6 -** Commissioner Ces Butner, Commissioner Michael Colbruno, Commissioner Arabella Martinez, Commissioner Joan Story, First Vice-President Barbara Leslie and President Andreas Cluver

Excused: 1 - Second Vice-President Yui Hay Lee

CLOSED SESSION REPORT

Port Attorney, Michele Heffes, reported that the Board had taken no final action in Closed Session.

2. CONSENT ITEMS

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

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

Present: 6 - Commissioner Ces Butner, Commissioner Michael Colbruno, Commissioner Arabella Martinez, Commissioner Joan Story, First Vice-President Barbara Leslie and President Andreas Cluver

Excused: 1 - Second Vice-President Yui Hay Lee

- 2.1 Building Permit:** for T-Mobile for Antenna/Cell Service Improvements, Terminals 1 & 2, 1 Airport Drive, OAK

File ID: [\[309-20\]](#)

This Resolution was approved.

- 2.2 Ordinance 4573,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Third Amendment To Lease With Avis Budget Car Rental, LLC And A Third Amendment To Lease With DTG Operations, Inc. For Use Of Property At The North Field Of Oakland International Airport With Anticipated Total Revenues Of \$634,800 In Fiscal Year 2020-2021.

File ID: [\[318-20\]](#)

This Ordinance was approved.

- 2.3 Ordinance 4574,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute 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.

File ID: [\[319-20\]](#)

This Ordinance was approved.

- 2.4 Ordinance 4575**, 2nd Reading Of Approving And Authorizing The Executive Director To Execute The Following Agreements With Everport Terminal Services, Inc.: (1) A First Supplemental Agreement To The Non-Exclusive Preferential Assignment Agreement ("NEPAA") For The Berth 34 Backlands To Extend The Term Through June 30, 2023; And (2) A Fifth Supplemental Agreement To The NEPAA For Berths 35 Through 38 To Address Crane Responsibilities And Other Issues.

File ID: [\[320-20\]](#)

This Ordinance was approved.

- 2.5 Report:** Report of Appointments, Separations and Leaves of Absence for FY 2020-21, 1st Quarter (July 1, 2020 - September 30, 2020). **(Finance & Admin)**

File ID: [\[010-20\]](#)

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 of Potential Revisions to Rules and Regulations for Oakland International Airport Related to Ground Transportation Services for Possible Adoption by the Board of Port Commissioners at a Future Meeting. **(Aviation)**

File ID: [\[305-20\]](#)

Aviation Director, Bryant Francis, introduced Item 5.1.

Jon Cimperman, Airport Operations Manager, presented Item 5.1.

- 5.2 Ordinance:** Adopt Amendments to the Port of Oakland's Purchasing Authorities and Procedures Ordinance No. 4321. **(Port Attorney)**

File ID: [\[321-20\]](#)

Port Attorney, Michele Heffes, introduced Item 5.2.

Assistant Port Attorney, Mary Richardson, presented Item 5.2.

Director of Social Responsibility, Amy Tharpe, addressed the Board on Item 5.2.

A motion was made by Commissioner Story, seconded by Commissioner Martinez, that the Ordinance be approved. The motion carried by the following vote:

Ayes: **6 -** Commissioner Butner, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, First Vice-President Leslie and President Cluver

Excused: **1 -** Second Vice-President Lee

6. REMAINING ACTION ITEMS

- 6.1 Resolution:** Approval of Master Reimbursement Agreement with SSA Terminals, LLC, for Port Maintenance Responsibilities for the Matson Terminal (Berths 60-63), for a Total Amount Not to Exceed \$5 Million Through June 30, 2032. **(Maritime)**

File ID: [\[289-20\]](#)

Maritime Director, Bryan Brandes, introduced Item 6.1.

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

Ayes: **6 -** Commissioner Butner, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, First Vice-President Leslie and President Cluver

Excused: **1 -** Second Vice-President Lee

- 6.2 PULLED:** ~~Ordinance: Approve a Grant of Easement to Pacific Gas & Electric Company for the Construction, Access, Repair, and Maintenance of Natural Gas Facilities Located in the Berth 24 Through Berth 26 Backlands, To Continue Service to Port Tenants, for No Monetary Consideration. (Maritime)~~

File ID: [\[290-20\]](#)

- 6.3 Ordinance:** Approve and Authorize the Executive Director to Execute a Lease with Pacific Layberthing South, LLC, for Water and Land Area at Berth 68, for a Maximum Term Expiring on October 31, 2024, and Subject to the Port's Six-Month Termination and Relocation Right, Resulting in Average Annual Revenue of Approximately \$476,000 and One-Time Reimbursement to Pacific Layberthing South, LLC of up to \$128,249 **(Maritime)**

File ID: [\[292-20\]](#)

Maritime Director, Bryan Brandes, introduced Item 6.3.

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

Ayes: **6** - Commissioner Butner, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, First Vice-President Leslie and President Cluver

Excused: **1** - Second Vice-President Lee

- 6.4 Resolution:** Authorize the Executive Director to Execute a Supplemental Agreement (Year 3) with Orion Engineers and Associates for an Additional \$816,000 for Design Consultant Services for Runway 10R/28L Crack Sealing, and Taxiway Bravo (Phases 2 and 3) Pavement Rehabilitation Projects. **(Engineering/Aviation)**

File ID: [\[261-20\]](#)

Chief Operating Officer, Kristi McKenney, introduced Item 6.4.

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

Ayes: **6** - Commissioner Butner, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, First Vice-President Leslie and President Cluver

Excused: **1** - Second Vice-President Lee

- 6.5 Resolution:** Approval of the Draft Port Share Plan for the Jack London Improvement District for Fiscal Year 2020 in the Amount of \$177,000.43. **(CRE)**

File ID: [\[302-20\]](#)

Commercial Real Estate Director, Pam Kershaw, introduced Item 6.5.

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

Ayes: **6** - Commissioner Butner, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, First Vice-President Leslie and President Cluver

Excused: **1** - Second Vice-President Lee

- 6.6 Resolution:** Approval to Submit an Attestation of the Veracity of the Port's Power Source Disclosure Report and the Power Content Label to the California Energy Commission for Calendar Year 2019. **(Executive Office)**

File ID: [\[242-20\]](#)

Chief Operating Officer, Kristi McKenney, introduced Item 6.6.

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

Ayes: **6 -** Commissioner Butner, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, First Vice-President Leslie and President Cluver

Excused: **1 -** Second Vice-President Lee

- 6.7 Resolution:** Delegation of Authority to the Executive Director to Perform the Duties within The Cap-And-Trade Program Through December 31, 2031. **(Executive Office)**

File ID: [\[284-20\]](#)

Chief Operating Officer, Kristi McKenney, introduced Item 6.7.

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

Ayes: **6 -** Commissioner Butner, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, First Vice-President Leslie and President Cluver

Excused: **1 -** Second Vice-President Lee

7. UPDATES/ANNOUNCEMENTS

There were no "Updates and Announcements" on the Agenda.

8. SCHEDULING

There were no "Scheduling Items" on the Agenda.

OPEN FORUM

There were no Public Speakers in Open Forum.

ADJOURNMENT

There being no additional business, the Meeting was adjourned at the hour of 5:19 p.m.

Approved: November 19, 2020

Daria Edgerly
Secretary of the Board