



MINUTES

Thursday, January 28, 2021

Board Room – 2nd Floor

ROLL CALL

President Cluver called the Regular Meeting of January 28, 2021 to order at the hour of 1:04 p.m. and the following Commissioners participated remotely:

Commissioner Butner joined the meeting at 1:36 p.m.

First Vice-President Leslie left the meeting at the hour of 3:36 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

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 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 the Port of Oakland

Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate

Under Negotiation: Price and Terms of Payment

Property: Various properties surrounding the Port's existing Inner and Outer Harbor Turning Basins

Negotiating Parties: Various property owners surrounding the Port's existing Inner and Outer Harbor Turning Basins and the Port of Oakland

Agency Negotiator: Bryan Brandes, Maritime Director

Under Negotiation: Price and Terms of Payment

Property: Outer Harbor Terminal Berths 20-22

Negotiating Parties: Eagle Rock Aggregates, Inc. and the Port of Oakland

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

Under Negotiation: Price and Terms of Payment

File ID: [\[024-21\]](#)

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

File ID: [\[023-21\]](#)

- 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: [\[027-21\]](#)

OPEN SESSION/ROLL CALL

President Cluver called the Regular Meeting of January 28, 2021 to order in Open Session at the hour of 4:15 p.m.

Commissioner Martinez joined the meeting at 4:21 p.m.

First Vice-President Leslie joined the meeting at 5:21 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.

Commissioner Michael Colbruno recused himself from Item 1.1 due to a potential financial conflict and was not on the call and took no part in the discussion or deliberation of the item.

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

Property: Outer Harbor Terminal Berths 20-22

Negotiating Parties: Eagle Rock Aggregates, Inc. and the Port of Oakland

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

Wharfinger

Under Negotiation: Price and Terms of Payment

Dan Pruim, Millie Cleveland, Aaron Wright, and Shawn Farley addressed the Board on the Closed Session Report.

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: 6 - Commissioner Butner, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, Second Vice-President Lee and President Cluver

Excused: 1 - First Vice-President Leslie

- 2.1 Ordinance 4583:** Approve the Terms and Conditions of an Airline Operating Agreement and its Annex "A" Space/Use Permit with Frontier Airlines, Inc., with Anticipated Annual Revenues of \$2,180,233, Operating at Oakland International Airport and Authorize the Executive Director to Execute Both Agreements. **(Aviation)**

File ID: [\[011-21\]](#)

This Ordinance was approved.

- 2.2 Ordinance 4584:** Approval of a Space/Use Permit with McGee Air Services, Inc., an Airline Services Provider, with Estimated \$3,000 in Annual Revenue, Operating at Oakland International Airport. **(Aviation)**

File ID: [\[012-21\]](#)

This Ordinance was approved.

- 2.3 PULLED:** ~~Ordinance 4582, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Lease With Pacific Layberthing South, LLC For Water And Land Area At Berth 9, For A Maximum Term Of 10.5 Years, Resulting In Average Annual Revenue Of Approximately \$521,288.~~

File ID: [\[020-21\]](#)

This Ordinance was pulled.

- 2.4 Minutes:** Approval of the Minutes of the Regular Meetings of December 3, 2020 and December 17, 2020. **(Board)**

File ID: [\[001-21\]](#)

The Minutes were approved.

- 2.5 Report:** Comprehensive Annual Financial Report for the Years Ended June 30, 2020 and 2019. (Finance & Admin)

File ID: [\[007-21\]](#)

This Report was received and filed.

- 2.6 Report:** Report of Appointments, Separations and Leaves of Absence for FY 2020-21, 2nd Quarter (October 1, 2020 - December 31, 2020). (Finance & Admin)

File ID: [\[006-21\]](#)

This Report was received and filed.

3. MAJOR PROJECTS

There were no "Major Projects" on the Agenda.

4. BUDGET & FINANCE

- 4.1 Report:** Unaudited Financials for 5 months ended November 30, 2020. (Finance & Admin)

File ID: [\[005-21\]](#)

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

Director of Aviation, Bryant Francis and Maritime Director, Bryan Brandes, addressed the Board on Item 4.1.

This Report was received and filed.

5. STRATEGY & POLICY

- 5.1 Resolution 21-01:** Approval and Re-certification of the Port of Oakland's Sewer System Management Plan (2020 SSMP). (Engineering/Legal)

File ID: [\[367-20\]](#)

Chief Operating Officer, Kristi McKenney, introduced Item 5.1.

A motion was made by Second Vice-President Lee, 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, Second Vice-President Lee and President Cluver

Excused: 1 - First Vice-President Leslie

- 5.2 Report:** Update on Labor Peace Rule for Certain Operational Services Agreements Executed Pursuant to a Request for Proposal. (SRD)

File ID: [\[019-21\]](#)

Social Responsibility Director, Amy Tharpe, introduced Item 5.2.

Julina Bonilla, Workforce Development Manager, presented Item 5.2.

This Report was received and filed.

6. REMAINING ACTION ITEMS

- 6.1 Resolution 21-02:** Authorize the Executive Director to Enter into a Professional Services Agreement with AECOM Technical Services, Inc., to Provide Environmental Planning and Technical Support Services for the Oakland Harbor Turning Basins Widening Feasibility Study in the Amount Not to Exceed \$3,800,000 and Approve an Increase of \$2,000,000 to the Project Budget Resulting in a Total Project Budget of \$5,000,000. **(Maritime)**

File ID: [\[017-21\]](#)

Maritime Director, Bryan Brandes, introduced Item 6.1.

Lee Sandahl, Mike Jacob, Aaron Wright, Susan Ransom, and Bill Dow addressed the Board on Item 6.1.

Justin Taschek, Senior Maritime Project Administrator, addressed the Board on 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 Butner, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, Second Vice-President Lee, First Vice-President Leslie and President Cluver

- 6.2 Resolution 21-03:** Authorize the Executive Director to Enter into a Contract with SilMan Venture Corp. dba SilMan Industries in an Amount Not-to-Exceed \$1,178,000 For the Rehabilitation of Sanitary Sewer Lift Stations B31P at Berth 20 and D04P and D05P at Berths 55-56 Project and Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not-to-Exceed \$176,700 **(Engineering/Maritime)**

File ID: [\[009-21\]](#)

Chief Operating Officer, Kristi McKenney, introduced Item 6.2.

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

- 6.3 Resolution 21-04:** Authorize the Executive Director to Execute an Agreement with Western Area

Power Administration for a Base Resource Energy Contract Beginning January 1, 2025, Through December 31, 2054. **(Executive Office)**

File ID: [\[004-21\]](#)

Chief Operating Officer, Kristi McKenney, introduced Item 6.3.

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

- 6.4 Ordinance 4585:** Enactment of the Ordinance Necessary to Ratify and Set the Salary Increase and the Salaries for Certain Port of Oakland Non-Represented Employees in Port Employee Representation Unit H. **(Finance & Admin)**

File ID: [\[018-21\]](#)

Human Resources Director, Michael Mitchell, introduced Item 6.4.

A motion was made by Commissioner Martinez, 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

7. UPDATES/ANNOUNCEMENTS

President Cluver announced the appointment of two Ad Hoc Committees to focus on the long-term planning in both the Aviation and Maritime divisions. President Cluver appointed Commissioners Leslie, Colbruno, and Story to the Aviation Ad Hoc Committee. He then appointed himself along with Commissioners Lee and Martinez to the Maritime Ad Hoc Committee.

Acting Director of Communication, Robert Bernardo, Andrew Hwang, Manager of Business Development & International Marketing, and Marilyn Sandifur, Media/Public Relations Specialist, presented the Board with videos showcasing the arrival of the Port's largest cranes and highlighted the amount of national media coverage the Port received during this feat.

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 5:46 p.m.

Approved: February 25, 2021

Daria Edgerly
Secretary of the Board