



MINUTES

Thursday, April 8, 2021

Board Room – 2nd Floor

ROLL CALL

President Cluver called the Regular Meeting of April 8, 2021 to order at the hour of 1:03 p.m. and the following Commissioners participated remotely:

Commissioner Arabella Martinez joined the meeting at 1:04 p.m.

Commissioner Ces Butner joined the meeting at 1:30 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 1:05 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): 3 (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: [\[105-21\]](#)

- 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 the Port of Oakland

Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate

Under Negotiation: Price and Terms of Payment

Property: Outer Harbor Terminal Berths 23-24

Negotiating Parties: TraPac, LLC and the Port of Oakland

Agency Negotiator: Bryan Brandes, Maritime Director

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

File ID: [\[106-21\]](#)

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: [\[107-21\]](#)

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

Title: Port Attorney

File ID: [\[108-21\]](#)

OPEN SESSION/ROLL CALL

President Cluver called the Regular Meeting of April 8, 2021 to order in Open Session at the hour of 5:32 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.

Second Vice-President Yui Hay Lee 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 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): 3 (additional information provided on the Closed Session Agenda Report, "Potential Litigation Under California Government Code Section 54956.9 [one (1) Matter],"** attached hereto)

2. CONSENT ITEMS

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

A motion was made by Commissioner Colbruno, seconded by Commissioner Butner, 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 4593**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Space/Use Permit With Alclear, LLC dba Clear To Provide Registered Traveler Services At Oakland International Airport, For A Term Of Three+ Years (Expiring June 30, 2024) With Anticipated FY2020-21 Revenue Of \$36,000.

File ID: [\[110-21\]](#)

This Ordinance was approved.

- 2.2 Ordinance 4594**, 2nd Reading Of An Ordinance Amending Port Of Oakland Ordinance No. 867 To Create The New Classification Of Safety And Business Continuity Officer.

File ID: [\[109-21\]](#)

This Ordinance was approved.

- 2.3 Minutes:** Approval of the Minutes of the Regular Meeting of March 11, 2021. **(Board)**

File ID: [\[104-21\]](#)

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

- 5.1 Resolution 21-16:** Approve and Authorize the Executive Director to Enter into a Professional Services Agreement with Kittelson & Associates, Inc. in an Amount Not-to-Exceed \$400,000 for a Long-Term Seaport Transportation and Circulation Study. **(Environmental/Maritime)**

File ID: [\[066-21\]](#)

Maritime Director, Bryan Brandes, introduced Item 5.1.

Radiah Victor, Senior Port Strategic Planner, presented Item 5.1.

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. REMAINING ACTION ITEMS

- 6.1 Resolution 21-17:** Approve a First Port of Call (FPOC) Incentive Program for Calendar Year 2021, Providing for an Incentive in the Amount of \$100,000 per FPOC Service and Incremental Annualized Revenue of Approximately \$4.4 Million per PFOC Service **(Maritime)**

File ID: [\[103-21\]](#)

Maritime Director, Bryan Brandes, introduced Item 6.1.

A motion was made by Commissioner Butner, 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

- 6.2 Ordinance 4595:** Approve a Grant of Easement to Pacific Gas and Electric Company for the Construction, Access, Repair and Maintenance of Natural Gas Facilities Located in the Berth 24 Through 26 Backlands, to Continue Natural Gas Service to Port Tenants, for No Monetary Consideration. **(Maritime)**

File ID: [\[098-21\]](#)

Maritime Director, Bryan Brandes, introduced Item 6.2.

A motion was made by Commissioner Colbruno, 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:** Approve and Authorize the Executive Director to Execute a Three-Year License & Concession Agreement with Mary Ann Swift, dba Afterguard Sailing Academy, for the Premises Located at 1285 Embarcadero Road, Oakland, at an Initial Annual Rent of \$60,852 **(CRE)**

File ID: [\[100-21\]](#)

Commercial Real Estate Director, Pam Kershaw, introduced Item 6.3

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

Ad Hoc Committee Chairs, First Vice-President Leslie (Aviation) and Second Vice-President Lee (Maritime), updated the full Board on the recent Aviation & Maritime Ad Hoc Committee meetings. The Aviation & Maritime Ad Hoc Committees have met twice since January of this year.

8. SCHEDULING

There were no Strategy & Policy Items to approve.

OPEN FORUM

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

Allison Madden

ADJOURNMENT

There being no additional business, the Meeting was adjourned at the hour of 5:57 p.m.

Approved: May 13, 2021

Daria Edgerly
Secretary of the Board