



MINUTES

Thursday, October 14, 2021

Board Room – 2nd Floor

ROLL CALL

President Leslie called the Regular Meeting of October 14, 2021 to order at the hour of 1:02 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 First Vice-President Barbara Leslie

Excused: 1 - President Andreas Cluver

1. CLOSED SESSION

President Leslie convened the Board in Closed Session at 1:02 p.m. to hear the following Items:

Commissioner Ces Butner joined the meeting at 1:24 p.m.

Commissioner Michael Colbruno left the meeting at 4:40 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): 4 (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: [\[314-21\]](#)

- 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 20-21

Negotiating Parties: Pacific Layberthing South, LLC 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: [\[315-21\]](#)

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: [\[316-21\]](#)

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

Title: Port Attorney

File ID: [\[320-21\]](#)

OPEN SESSION/ROLL CALL

President Leslie called the Regular Meeting of October 14, 2021 to order in Open Session at the hour of 5:02 p.m.

Present: **6 -** Commissioner Ces Butner, Commissioner Arabella Martinez, Commissioner Joan Story, Second Vice-President Yui Hay Lee, First Vice-President Barbara Leslie and First Vice-President Barbara Leslie

Excused: **2 -** Commissioner Michael Colbruno and President Andreas Cluver

CLOSED SESSION REPORT

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

Port Attorney, Michele Heffes, notified the Board that Second Vice-President, Yui Hay Lee, will no longer need to recuse himself from Item 1.1 and that there is no potential financial conflict related to the matter.

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): 4 (additional information provided on the Closed Session Agenda Report, “Potential Litigation Under California Government Code Section 54956.9 [one (1) Matter],” attached hereto)**

Dan Pruim, addressed the Board on Closed Session.

2. CONSENT ITEMS

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

A motion was made by Commissioner Butner, seconded by Commissioner Story, to approve the Consent Agenda. The motion carried by the following vote:

Ayes: **5** - Commissioner Butner, Commissioner Martinez, Commissioner Story, Second Vice-President Lee and First Vice-President Leslie

Excused: **2** - Commissioner Colbruno and President Cluver

- 2.1 Ordinance 4620:** Approval of the Amendment No. 3 to Conduit Use Agreement with Level 3 Telecom of California, L.P., for a Term of Three Years with Two Additional One-Year Extension Options, to Commence on December 1, 2021, for Operations at Oakland International Airport with Anticipated Total Revenues of \$16,236 in Fiscal Year 2021-22. **(Aviation)**

File ID: [\[280-21\]](#)

This Ordinance was approved.

- 2.2 Ordinance 4615,** 2nd Reading Of An Ordinance Authorizing An Access Agreement With The City Of Oakland ("City") For The Port Of Oakland ("Port") To Access, Operate, And Maintain Port Utility Infrastructure Located On City Of Oakland Property.

File ID: [\[308-21\]](#)

This Ordinance was approved.

- 2.3 Ordinance 4616,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute An Amendment Rider To An Existing Right Of Way Contract With The State Of California Department Of Transportation And The East Bay Municipal Utility District For The Premises Located At Embarcadero Near 5th Avenue In Oakland To Extend The Term For Eighteen (18) Months Commencing On July 14, 2022, For A Fee Of \$9,900.

File ID: [\[309-21\]](#)

This Ordinance was approved.

- 2.4 Ordinance 4617,** 2nd Reading Of An Ordinance Approving An Amendment To Airline Operating Agreement Each With Nineteen Passenger And Cargo Airlines And An Amendment To Space/Use Permit With Nine Of Those Passenger Airlines Serving Oakland International Airport, For A Term Of Five Years And Generating Anticipated Revenues Of Approximately \$128 Million In FY 2021-22.

File ID: [\[310-21\]](#)

This Ordinance was approved.

- 2.5 Ordinance 4618**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into A Ninth Supplemental Agreement With BNSF Railway Company At The Joint Intermodal Terminal To Extend The Term Through December 31, 2024, Modify Certain Compensation Resulting In \$3,800,000 Of Additional Fixed Revenue, And Modify Certain Deferred Maintenance Obligations.

File ID: [\[311-21\]](#)

This Ordinance was approved.

- 2.6 Ordinance 4619**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Lease With Unicold Corporation For Approximately 3.6 Acres Of Combined Warehouse, Office, And Yard Space For A Term Expiring On June 30, 2039, Resulting In Average Annual Revenue Of Approximately \$1,100,000, With One Five-Year Option To Extend The Term Of The Lease.

File ID: [\[323-21\]](#)

This Ordinance was approved.

- 2.7 Minutes:** Approval of the Minutes of the Regular Meeting of September 16, 2021. **(Board)**

File ID: [\[322-21\]](#)

The Minutes were approved.

3. MAJOR PROJECTS

There were no "Major Projects" on the Agenda.

4. BUDGET & FINANCE

- 4.1 Report:** Fiscal Year 2021 Financial Highlights. **(Fin & Admin)**

File ID: [\[247-21\]](#)

Chief Financial Officer, Julie Lam, presented Item 4.1.

Executive Director, Danny Wan, addressed the Board on Item 4.1.

This Report was received and filed.

5. STRATEGY & POLICY

There were no Strategy & Policy Items to approve.

6. REMAINING ACTION ITEMS

- 6.1 Resolution 21-67:** Authorize Executive Director to Dispense with Standard Bidding Procedures

and Enter into a Sole Source Professional Services Agreement with Wood Rodgers for a Not-to-Exceed Amount of \$270,000 for Design Consulting Services for the Installation of a Trash Capture Device at Oakland International Airport. **(Aviation/Engineering)**

File ID: [\[296-21\]](#)

Chief Operating Officer, Kristi McKenney, presented Item 6.1.

A motion was made by Second Vice-President Lee, seconded by Commissioner Story, that the Resolution be approved. The motion carried by the following vote:

Ayes: **5** - Commissioner Butner, Commissioner Martinez, Commissioner Story, Second Vice-President Lee and First Vice-President Leslie

Excused: **2** - Commissioner Colbruno and President Cluver

- 6.2 Ordinance 4621:** Approve and Authorize the Executive Director to Execute a Fourth Amendment to Lease with GSC Logistics, Inc. ("GSC") for Premises Located on the 5th Floor of 530 Water Street, Oakland, to Extend the Term Through June 30, 2025, Expand their Premises at the Same Location by an Additional Approximately 5,560 Square Feet, and Terminate the Temporary Rental Agreement for this Expansion Premises **(CRE)**

File ID: [\[298-21\]](#)

Commercial Real Estate Director, Pam Kershaw, introduced 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: **5** - Commissioner Butner, Commissioner Martinez, Commissioner Story, Second Vice-President Lee and First Vice-President Leslie

Excused: **2** - Commissioner Colbruno and President Cluver

- 6.3 Resolution 21-68:** Authorization to Enter into Contracts with A-1 Modular, Fisher Development, SilMan Venture Corporation dba SilMan Industries, and Angotti & Reilly for On-Call General Building Contractor Services in an Aggregate Amount Not-to-Exceed \$5,000,000 and with Redgwick Construction, A. Teichert & Son dba Teichert Construction, Gallagher & Burk, McGuire and Hester, and O.C. Jones & Sons for On-Call Paving and Grading and Associated General Building Contractor Services in an Aggregate Amount Not-to-Exceed \$12,000,000 for the Period Commencing November 1, 2021 and Ending October 31, 2022, 2023, or 2024. **(Operations Office)**

File ID: [\[266-21\]](#)

Chief Operating Officer, Kristi McKenney, presented Item 6.3.

Social Responsibility Director, Amy Tharpe, addressed the on Item 6.3.

A motion was made by Second Vice-President Lee, seconded by Commissioner Martinez, that the Resolution be approved. The motion carried by the following vote:

Ayes: **5** - Commissioner Butner, Commissioner Martinez, Commissioner Story, Second Vice-President Lee and First Vice-President Leslie

Excused: **2** - Commissioner Colbruno and President Cluver

7. UPDATES/ANNOUNCEMENTS

President Leslie announced Executive Director Wan's nomination as the new President of the California Association of Port Authorities and congratulated Director Wan on behalf of the Board.

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 5:50 p.m.

Approved: November 18, 2021

Daria Edgerly
Secretary of the Board