



## MINUTES

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Thursday, October 28, 2021

Board Room – 2nd Floor

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### ROLL CALL

President Leslie called the Regular Meeting of October 28, 2021 to order at the hour of 1:02 p.m. and the following Commissioner participated remotely:

Commissioner Butner arrived at the meeting at 1:43 p.m.

President Cluver arrived at the meeting at 2:15 p.m.

**Present:** 8 - Commissioner Ces Butner, Commissioner Michael Colbruno, Commissioner Arabella Martinez, Commissioner Joan Story, Second Vice-President Yui Hay Lee, First Vice-President Barbara Leslie, First Vice-President Barbara Leslie and President Andreas Cluver

### 1. CLOSED SESSION

President Leslie convened the Board in Closed Session at 1:03 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:** [\[329-21\]](#)

- 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:** Various Properties In or Around the Former Oakland Army Base

**Negotiating Parties:** Various Property Owners and Tenants In or Around the Former Oakland Army Base and the Port of Oakland

**Agency Negotiator:** Bryan Brandes, Director of Maritime

**Under Negotiation:** Price and Terms of Payment

**File ID:** [\[330-21\]](#)

**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:** [\[331-21\]](#)

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

**Title:** Port Attorney

**File ID:** [\[332-21\]](#)

**OPEN SESSION/ROLL CALL**

President Cluver called the Regular Meeting of October 28, 2021 to order in Open Session at the hour of 4:31 p.m.

**Present:** 8 - Commissioner Ces Butner, Commissioner Michael Colbruno, Commissioner Arabella Martinez, Commissioner Joan Story, Second Vice-President Yui Hay Lee, First Vice-President Barbara Leslie, 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.

President Cluver recused himself from Item 1.1 due to a potential 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)**

President Cluver recused himself from Item 1.2 due to a potential financial conflict and was not on the call and took no part in the discussion or deliberation of the item.

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**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

**2. CONSENT ITEMS**

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

**A motion was made by Commissioner Colbruno, seconded by First Vice-President Leslie, 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 Resolution 21-70:** Approval to Submit the 2021 Wildfire Mitigation Plan to the Wildfire Safety Advisory Board of California. **(Executive Office)**

**File ID:** [\[306-21\]](#)

**This Resolution was approved.**

- 2.2 Ordinance 4620,** 2nd Reading Of An Ordinance Approving 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 2022.

**File ID:** [\[333-21\]](#)

**This Ordinance was approved.**

- 2.3 Ordinance 4621,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Fourth Amendment To Lease With GSC Logistics, Inc. For Premises Located On The 5th Floor Of 530 Water Street, Oakland, To Extend The Term Through June 30, 2025, Expand The Premises At The Same Location By An Additional Approximately 5,560 Square Feet, And Terminate The Temporary Rental Agreement For This Expansion Premises.

**File ID:** [\[334-21\]](#)

**This Ordinance was approved.**

- 2.4 Report:** Report of Appointments, Separations and Leaves of Absence for FY 2021-22, 1st Quarter (July 1, 2021 - September 30, 2021). **(Fin & Admin)**

**File ID:** [\[249-21\]](#)

This Report was received and filed.

### 3. MAJOR PROJECTS

There were no "Major Projects" on the Agenda.

### 4. BUDGET & FINANCE

- 4.1 Resolution 21-71:** Approve and Authorize the Executive Director and Chief Financial Officer to Execute the Partial Defeasance of Certain 2012 Series P, 2017 Series D, 2017 Series E, and 2021 Series H Bonds the Partial Redemption of Certain 2020 Series R Bonds, Repay an Additional \$5,882,000 of Outstanding Commercial Paper Notes, Approve the Attached Form of Escrow Agreement, and Take All Necessary Actions Related Thereto. **(Finance & Admin)**

File ID: [\[313-21\]](#)

Chief Financial Officer, Julie Lam, presented Item 4.1.

**A motion was made by Commissioner Martinez, seconded by Commissioner Butner, 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

### 5. STRATEGY & POLICY

There were no Strategy & Policy Items to approve.

### 6. REMAINING ACTION ITEMS

- 6.1 Resolution 21-72:** Authorize the Executive Director to Enter into a Contract with Oliver De Silva Inc. dba Gallagher & Burk Inc. in the Amount of \$3,275,670 and Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not-to-Exceed \$491,330 to Construct the Airport Drive Pavement Rehabilitation at OAK. **(Engineering/Aviation)**

File ID: [\[297-21\]](#)

Chief Operating Officer, Kristi McKenney, introduced Item 6.1.

**A motion was made by Commissioner Colbruno, seconded by Second Vice-President Lee, 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 4622:** Authorization to Extend Space Assignment Agreements That Have Been in Effect for More Than One Year as of October 28, 2021, and Space Assignment Agreements That

Are Likely To Be in Effect for More Than One Year as of December 31, 2021, Through December 31, 2022, Resulting in Annual Revenue of Approximately \$21 Million **(Maritime)**

**File ID:** [\[284-21\]](#)

Maritime Director, Bryan Brandes, introduced Item 6.2.

**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

- 6.3 Ordinance 4623:** Approve and Authorize the Executive Director to Execute the Third Amendment to the Temporary Rental Agreement with West Oakland Pacific Railroad, LLC, to Provide Interim Switching Services at the Port's OHIT Phase 1 Yard for One Additional Year Through December 31, 2022, with One, 1-Year Option to Extend; Resulting in Fixed Rent of Approximately \$5,676 per Calendar Year Quarter and Variable Rent of Approximately \$142 per Rail Car in Excess of the Breakpoint **(Maritime)**

**File ID:** [\[324-21\]](#)

Maritime Director, Bryan Brandes, introduced 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 Ordinance 4624:** Authorize the Executive Director to Execute an Amended and Fully Restated Lease with Pacific Layberthing South, LLC, for Water and Land Area at the Outer Harbor Terminal Berths 20-21, for a Maximum Term Expiring on March 31, 2027, Resulting in Average Annual Revenue of Approximately \$514,000 **(Maritime)**

**File ID:** [\[325-21\]](#)

Maritime Director, Bryan Brandes, introduced Item 6.4.

**A motion was made by Commissioner Colbruno, seconded by Second Vice-President Lee, 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

- 6.5 Ordinance 4625:** Approve and Authorize the Executive Director to Execute a License and Concession Agreement with Impact Transportation, LLC for the Premises Located at 516 Water Street, Oakland, for a Term of Five (5) Years, With One (1) Three-Year Option to Extend, for a

Monthly Rent of \$4,264.91 (CRE)

File ID: [\[326-21\]](#)

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

**A motion was made by Commissioner Colbruno, seconded by Second Vice-President Lee, 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

- 6.6 Resolution 21-73:** Authorize the Executive Director to Enter into a Third Phase Agreement with Northern California Power Agency for the Purchase of Hydroelectric Energy from South Feather Water and Power Agency for a Term of 20 Years in an Amount Not-To-Exceed \$7,000,000. (Executive Office)

File ID: [\[321-21\]](#)

Chief Operating Officer, Kristi McKenney, introduced Item 6.6.

**A motion was made by Commissioner Story, seconded by Second Vice-President Lee, 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

- 6.7 Resolution 21-74:** Approve and Authorize the Executive Director to Enter into a Professional Services Agreement with Elation Systems, Inc. for Five Years, With Three, One-Year Renewal Options, for the Web-Based Labor Compliance/Workforce Tracking System and Web-Based Living Wage Compliance System in a Total Amount Not to Exceed \$489,939 (SRD)

File ID: [\[283-21\]](#)

Social Responsibility Director, Amy Tharpe, introduced Item 6.7.

**A motion was made by First Vice-President Leslie, seconded by Second Vice-President Lee, 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

- 6.8 Resolution 21-75:** Approve and Authorize the Executive Director to Enter into an Agreement with Saitech Inc. to Procure Laptop Computers, Docking Stations, and Associated Services in an Amount Not to Exceed \$271,064.87, and Declaring as Surplus the Old Computers and Related Equipment. (Information Technology)

File ID: [\[300-21\]](#)

Director of Information Technology, Kyle Mobley, introduced Item 6.8.

**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

## 7. UPDATES/ANNOUNCEMENTS

First Vice-President Leslie reported that she attend the World Routes Conference in Milan with President Cluver, Secretary Edgerly, Director Francis and Airport Marketing Manager, John Albrect. Vice-President Leslie reported they attended over 33 meetings with existing & potential air service carriers both foreign and domestic.

Second Vice-President Lee reported that he attended a Maritime Tour with Commissioner Martinez and President Cluver. Commissioner Lee complimented Maritime Director, Bryan Brandes, and his staff on providing a comprehensive overview of the Seaport.

## 8. SCHEDULING

### 8.1 **Resolution 21-76:** Adopting the Regular Board Meeting Schedule for Calendar Year 2022. (Board)

File ID: [\[328-21\]](#)

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

**A motion was made by Commissioner Colbruno, seconded by First Vice-President Leslie, that the Resolution be approved. The motion carried by the following vote:**

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

**Abstain:** 1 - Commissioner Butner

### 8.2 **Resolution 21-77:** Resolution Determining That Conducting In-Person Meetings Of The Board Of Port Commissioners Would Present Imminent Risks To Attendees' Health, And Electing To Continue Conducting Meetings Using Teleconferencing In Accordance With California Government Code Section 54953(e), A Provision Of AB-361. (Board)

File ID: [\[338-21\]](#)

Secretary of the Board, Daria Edgerly, introduced Item 8.2.

**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:**        **7 -** Commissioner Butner, Commissioner Colbruno, Commissioner Martinez, Commissioner Story, Second Vice-President Lee, First Vice-President Leslie and President Cluver

## **OPEN FORUM**

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

Melody Davis

## **ADJOURNMENT**

There being no additional business, the Meeting was adjourned at the hour of 5:24 p.m.

Approved: December 2, 2021

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Daria Edgerly  
Secretary of the Board