



## MINUTES

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Thursday, December 2, 2021

Board Room – 2nd Floor

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### ROLL CALL

President Cluver called the Regular Meeting of December 2, 2021 to order at the hour of 1:00 p.m. and the following Commissioners were in attendance:

Commissioner Butner arrived at the meeting at 1:20 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 1:04 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 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

**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

**Property:** 1300 Maritime Street, Oakland, CA

**Negotiating Parties:** Port of Oakland and Centerpoint-Oakland Development I, LLC and the Port of Oakland

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

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

**File ID:** [\[381-21\]](#)

- 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): 3 (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:** [\[380-21\]](#)

- 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:** [\[382-21\]](#)

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

**Title:** Port Attorney

**File ID:** [\[383-21\]](#)

## **OPEN SESSION/ROLL CALL**

President Cluver called the Regular Meeting of December 2, 2021 to order in Open Session at the hour of 4:42 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.

President Cluver recused himself from Items 1.1 and 1.2 due to a potential financial conflict and was not in the room 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:** 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

**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): 3 (additional information provided on the Closed Session Agenda Report, "Potential Litigation Under California Government Code Section 54956.9 [Two (2) Matters],"** attached hereto)

Commissioner Colbruno recused himself from Items 1.1 and 1.2 due to a potential financial conflict and was not in the room 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

**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): 3 (additional information provided on the Closed Session Agenda Report, "Potential Litigation Under California Government Code Section 54956.9 [Two (2) Matters],"** attached hereto)

## 2. CONSENT ITEMS

**A motion was made by Commissioner Story, seconded by Commissioner Martinez, 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 4626**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Extend A No-Cost Temporary License Agreement With Alameda County Transportation Commission From December 31, 2021 To December 31, 2022, With A Possible Extension Through June 30, 2023, For Construction-Related Activities Associated With The Freight Intelligent Transportation System Project. **(Board)**

**File ID:** [\[376-21\]](#)

**This Ordinance was approved.**

- 2.2 Ordinance 4627**, 2nd Reading Of An Ordinance Approving The Following Agreements With Everport Terminal Services, Inc.: (1) A Second Supplemental Agreement To The Non-Exclusive Preferential Assignment Agreement ("NEPAA") For The Berth 34 Backlands; And (2) A Sixth Supplemental Agreement To A Separate NEPAA For Berths 35 Through 38 To Extend The Deadline To Demolish Crane X-437, Correct Errors In Compensation Terms, And Allow Noticing By Electronic Communications. **(Board)**

File ID: [\[377-21\]](#)

**This Ordinance was approved.**

- 2.3 Ordinance 4628**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute An Eighth Supplemental Agreement Of Lease With Scott's Jack London Seafood, Inc. For Premises Located At 2 Broadway, Oakland, To Abate The Deferred Rent In Fiscal Year 2021 Under The Commercial Real Estate Temporary Restaurant Rent Abatement And Deferral Program In An Amount Totaling \$183,902.03. **(Board)**

File ID: [\[378-21\]](#)

**This Ordinance was approved.**

- 2.4 Ordinance 4629**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute Lease Amendment No. 7 With Yoshi's Japanese Restaurant, Inc. For Premises Located At 510 Embarcadero West, Oakland, To Abate The Deferred Rent In Fiscal Year 2021 Under The Commercial Real Estate Temporary Restaurant Rent Abatement And Deferral Program In An Amount Totaling \$455,416.67. **(Board)**

File ID: [\[379-21\]](#)

**This Ordinance was approved.**

- 2.5 Minutes:** Approval of the Minutes of the Regular Meeting of October 28, 2021. **(Board)**

File ID: [\[385-21\]](#)

**The Minutes were approved.**

### **3. MAJOR PROJECTS**

There were no "Major Projects" on the Agenda.

### **4. BUDGET & FINANCE**

- 4.1 Report:** Unaudited Financials for 3 months ended September 30, 2021 including Capital Expenditure Report. **(Finance & Admin)**

File ID: [\[344-21\]](#)

Chief Financial Officer, Julie Lam, presented Item 4.1.

Commissioner Story left the meeting at 5:00 p.m.

**This Report was received and filed.**

## 5. STRATEGY & POLICY

There were no Strategy & Policy Items to approve.

## 6. REMAINING ACTION ITEMS

- 6.1 Ordinance 4630:** Approve and Authorize the Executive Director to Execute a Quitclaim Deed for a Grant of Access Easement That Grants the Port Access to Port Parcels 15A and I-2 Along and Adjacent to Former Wake Avenue (Quitclaim Deed (Wake Avenue)), on the Former Oakland Army Base **(Maritime)**

**File ID:** [\[339-21\]](#)

Maritime Director, Bryan Brandes, introduced Item 6.1.

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

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

**Excused:**       **1** - Commissioner Story

- 6.2 Resolution 21-84:** Approve and Authorize the Executive Director to Execute an Agreement with ZDEVCO for the Management and Maintenance of the Drayage Truck Registry & Truck Management System Database for a Term of Two (2) Years with Three (3), 1-Year Options to Extend, in a Total Aggregate Amount Not to Exceed \$1,895,000 **(Maritime)**

**File ID:** [\[357-21\]](#)

Maritime Director, Bryan Brandes, introduced Item 6.2.

Troy Hosmer, Port Facilities Security Officer, addressed the Board on Item 6.2.

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

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

**Excused:**       **1** - Commissioner Story

- 6.3 Resolution 21-85:** Authorization to Renew the Expiring Port of Oakland Owner Protective Professional Indemnity ("OPPI") Insurance, Arranged and Paid Through a Prime Insurance Broker for a Five-Year Term and in an Amount Not to Exceed \$800,000. **(Finance & Admin)**

**File ID:** [\[345-21\]](#)

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

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

**Excused:**       **1** - Commissioner Story

## **7. UPDATES/ANNOUNCEMENTS**

Director of Commercial Real Estate, Pam Kershaw, announced that the Annual Tree Lighting Ceremony will be taking place in Jack London Square along with several other events throughout the month of December.

Executive Director, Danny Wan, and Desmond DeMoss, Port Health and Safety Officer, updated the Board on the Port's vaccine program and current vaccination totals; ninety six percent of Port employees are fully vaccinated.

Director of Communications, Robert Bernardo, presented an "Employee Spotlight Video" featuring Patricia Arcos, Port Custodian.

## **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 5:32 p.m.

Approved: January 27, 2022

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Daria Edgerly  
Secretary of the Board