



MINUTES

Thursday, June 23, 2022

Board Room – 2nd Floor

ROLL CALL

President Cluver called the Regular Meeting of June 23, 2022 to order at the hour of 1:03 p.m. and the following Commissioners participated remotely:

Commissioner Butner joined the meeting at 1:04 p.m.

Present: 6 - Commissioner Ces Butner, Commissioner Michael Colbruno, Commissioner Arabella Martinez, Commissioner Joan Story, Second Vice-President Yui Hay Lee and President Andreas Cluver

Excused: 1 - First Vice-President Barbara Leslie

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 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

File ID: [\[187-22\]](#)

1.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - (Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9): **Number of Matter(s): 3:**

(1) East Oakland Stadium Alliance, Pacific Merchant Shipping Association, Harbor Trucking Association, California Trucking Association, Schnitzer Steel Industries, Inc., and International Longshore and Warehouse Union v. City of Oakland, etc., et al., Alameda County Superior Court Case No. 22CV009325

(2) Capitol Corridor Joint Powers Authority v. City of Oakland, etc., et al., Alameda County Superior Court Case No. 22CV009309

(3) Union Pacific Railroad Company v. City of Oakland, etc., et al., Alameda County Superior Court Case No. 22CV009330

File ID: [\[204-22\]](#)

OPEN SESSION/ROLL CALL

President Cluver called the Regular Meeting of June 23, 2022 to order in Open Session at the hour of 2:16 p.m.

Present: **6** - Commissioner Ces Butner, Commissioner Michael Colbruno, Commissioner Arabella Martinez, Commissioner Joan Story, Second Vice-President Yui Hay Lee and President Andreas Cluver

Excused: **1** - First Vice-President Barbara Leslie

CLOSED SESSION REPORT

Port Attorney, Mary Richardson, 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)

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(3) Union Pacific Railroad Company v. City of Oakland, etc., et al., Alameda County Superior Court Case No. 22CV009330

2. CONSENT ITEMS

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

A motion was made by Commissioner Colbruno, seconded by Second Vice-President Lee, 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 4650:** Adoption of an Ordinance to Approve and Authorize the Executive Director to Execute a Third Amendment to Extend the Space/Use Permit with Civil Air Patrol Operating at Oakland International Airport for one (1) year to June 30, 2023, with annual consideration of \$1. (Aviation)

File ID: [\[175-22\]](#)

This Ordinance was approved.

- 2.2 Ordinance 4651:** Approve and Authorize the Executive Director to Execute the Fifth Amendment to Lease with Avis Budget Car Rental, LLC and the Fifth Amendment to Lease with DTG Operations, Inc. for Use of Property at the North Field of Oakland International Airport with Anticipated Total Revenues of \$1,078,476 in Fiscal Year 2023. (Aviation)

File ID: [\[182-22\]](#)

This Ordinance was approved.

- 2.3 Ordinance 4652:** Approve and Authorize the Executive Director to Execute Amendments to the U.S. Government Lease for Real Property-Lease No.GS-09B-02611 ("2011 Lease") with the United States of America, General Services Administration ("GSA"), on behalf of the Transportation Security Administration ("TSA"), to Extend the Term of the 2011 Lease By One-Year Increments for up to Ten Years at the Then Current Rates & Charges Rental Rate for Category II: Office Space. (Aviation)

File ID: [\[180-22\]](#)

This Ordinance was approved.

- 2.4 Resolution 22-53:** Building Permit for Customs and Border Protection Upgrades to RPM Equipment at Trapac, 1300 Maritime Street, Berths 25-33 (Environmental/Maritime)

File ID: [\[146-22\]](#)

This Resolution was approved.

- 2.5 Resolution 22-54:** Building Permit for Customs and Border Protection Upgrades to RPM Equipment at ETS/Ben Nutter Terminal, 5190 7th Street, Berths 35-38 (Environmental/Maritime)

File ID: [\[147-22\]](#)

This Resolution was approved.

- 2.6 Resolution 22-55:** Determining That Conducting In-Person Meetings Of The Board Of Port Commissioners Would Present Imminent Risks To Attendees' Health and Safety and Electing To Continue Conducting meetings Using Teleconferencing In Accordance With California Government Code section 54953(E). **(Board)**

File ID: [\[210-22\]](#)

This Resolution was approved.

3. MAJOR PROJECTS

There were no "Major Projects" on the Agenda.

4. BUDGET & FINANCE

- 4.1 Resolution 22-56:** Approval of the Annual Operating and Capital Budgets for Fiscal Year Ending June 30, 2023; Authorize the Payment of Operating and Other Expenses, the Payment of Debt Service of the Port for the Fiscal Year Ending June 30, 2023; Authorize the Payment of Approximately \$112.4 Million of Total Capital Expenditures, as Provided in the Capital Budget for the Fiscal Year Ending June 30, 2023; and Authorize FY 2022 Carryover Spending in FY 2023. **(Finance & Admin.)**

File ID: [\[120-22\]](#)

Chief Financial Officer, Julie Lam, presented Item 4.1.

Chief Operating Officer, Kristi McKenney, addressed the Board on Item 4.1.

Michelle Ghafar, Brian Beveridge, and Fern Uennatornwarangoon addressed the Board on Item 4.1.

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

- 4.2 Ordinance 4653:** Approval of Proposed Fiscal Year 2023 Airline Landing Fee Rates, Terminal Space Rental Rates, and Other Fees Generating \$94.3 Million in Revenue, and Amending Port Ordinance No. 4430 to Eliminate Aircraft Parking Fees for Certain Signatory Airlines at Oakland International Airport. **(Aviation)**

File ID: [\[196-22\]](#)

Aviation Director, Bryant Francis, introduced Item 4.2.

Assistant Aviation Director, Nyika Allen, presented Item 4.2.

A motion was made by Commissioner Colbruno, seconded by Commissioner Butner, that the Ordinance 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

- 4.3 Resolution 22-57:** Approval and Authorization for the Port Attorney to Enter into Fiscal Year 2023 Outside Counsel and Consultant Retention Agreements with Selected Law Firms and Consultants and Related Actions in an initial total amount of \$3,456,000, subject to adjustments under the Port Attorney's contracting authority. **(Port Attorney)**

File ID: [\[208-22\]](#)

Port Attorney, Mary Richardson, introduced Item 4.3.

A motion was made by Commissioner Martinez, seconded by Second Vice-President Lee, 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. STRATEGY & POLICY

There were no Strategy & Policy Items to approve.

6. REMAINING ACTION ITEMS

- 6.1 Ordinance 4654:** Adoption of an Ordinance Approving Oakland International Airport Hangar/Ramp Space Agreements with Multiple General Aviation Tenants, for Terms Commencing On Various Dates and All Expiring June 30, 2026, with Anticipated Annual Revenues of \$25,824 for FY 2022, Operating at the North Field Of Oakland International Airport. **(Aviation)**

File ID: [\[155-22\]](#)

Aviation Director, Bryant Francis, introduced Item 6.1.

Teddy Young, Aviation Properties Supervisor, presented Item 6.1.

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

Excused: **1 -** First Vice-President Leslie

- 6.2 Ordinance 4655:** Adoption of an Ordinance Approving and Authorizing the Executive Director to Execute a First Amendment to Temporary Rental Agreement with Delux Public Charter, LLC dba JSX Operating at Oakland International Airport for customer parking for a Total Term of Just Over Four Years From May 7, 2021 Through June 30, 2025, with Total Consideration of \$113,465 for the Extended Term (May 7, 2022 to June 30, 2025). **(Aviation)**

File ID: [\[177-22\]](#)

Aviation Director, Bryant Francis, introduced Item 6.2.

Teddy Young, Aviation Properties Supervisor, presented Item 6.2.

A motion was made by Second Vice-President Lee, seconded by Commissioner Butner, that the Ordinance 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

- 6.3 Resolution 22-58:** Approve and Authorize the Executive Director to Enter into a Professional Services Agreement with ARCOS LLC, DBA in California as Automated Roster Callout System Company LLC (ARCOS) to Implement an Automated Shift Callout System (ASCS) for the Oakland International Airport for Five Years in an Amount Not to Exceed \$300,000. **(Aviation)**

File ID: [\[186-22\]](#)

Aviation Director, Bryant Francis, introduced Item 6.3.

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

- 6.4 Resolution 22-59:** Authorize and Approve (1) the Executive Director to Procure Vehicles for Use by Aviation and Maritime Divisions at a Total Cost Not-to-Exceed \$1,047,200; (2) the Designation of Certain Other Existing Vehicles as No Longer Used, Inadequate, Obsolete or Worn-Out, and the Sale, Donation, and/or Other Disposition of Such Other Existing Vehicles; and (3) the Executive Director to Dispose of Such Other Existing Vehicles through a Variety of Means, Including Sale, Donation, Scrapping, Recycling, Destruction, and Abandonment in Accordance with Port Ordinance 4576. **(Maritime)**

File ID: [\[172-22\]](#)

Maritime Director, Bryan Brandes, introduced Item 6.4.

Toby Tatom, Port Equipment Supervisor, presented Item 6.4.

Eric Fan, Facilities Support Supervisor, addressed the Board on Item 6.4.

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

Excused: 1 - First Vice-President Leslie

- 6.5 Resolution 22-60:** Approve and Authorize the Executive Director to Approve a Supplemental Agreement with D&A Communications to Expand The Scope Of Work For The ‘Everyone’s Port’ Public Education Campaign **(Communications)**

File ID: [\[205-22\]](#)

Communications Director, Robert Bernardo, presented Item 6.5.

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

Excused: 1 - First Vice-President Leslie

- 6.6 Resolution 22-61:** Adoption of a Resolution to Appoint Ric Jazaie as the Chief Audit Officer at an Annual Salary of \$225,000 per year Effective Upon Successful Completion of the Transportation Security Administration Background Check and Issuance of the Appointment Letter; to Authorize the President of the Board of Port Commissioners to Execute the Appointment Letter; and, to Direct Audit Services Staff to Report to the Port Attorney While the Appointment is Pending. **(Finance & Admin.)**

File ID: [\[209-22\]](#)

Human Resources Director, Michael Mitchell, introduced Item 6.6.

A motion was made by Commissioner Story, 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

7. UPDATES/ANNOUNCEMENTS

There were no "Updates or Announcements" on the Agenda.

8. SCHEDULING

There were no "Scheduling Items" on the Agenda.

OPEN FORUM

ADJOURNMENT

There being no additional business, the Meeting was adjourned at the hour of 3:31 p.m.

Approved: September 15, 2022

Daria Edgerly
Secretary of the Board