



BOARD OF PORT COMMISSIONERS
PORT OF REDWOOD CITY
MINUTES

REGULAR MEETING
WEDNESDAY, 8:00 AM
April 27, 2022

CHAIR: RICHARD S. CLAIRE
VICE CHAIR: R. SIMMS DUNCAN
SECRETARY: RICHARD DODGE
COMMISSIONER: RALPH A. GARCIA
COMMISSIONER: LORIANNA KASTROP

I. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

This Board of Port Commissioners meeting was held during a proclaimed State of Emergency. Due to the continuing COVID-19 emergency, meetings will be held remotely by audio/video teleconference in accordance with Assembly Bill 361 (AB 361) signed into law by the Governor of the State of California as an emergency bill, in order to provide the safest environment for the public, Port officials and staff while allowing for continued operation of the government and public participation. Pursuant to the Ralph M. Brown Act, as amended by AB 361, all votes were by roll call and the meeting was available to the public to attend and provide public comments via audio/video teleconference.

Chair Richard Claire, presiding

Commissioners Present: Richard Claire, Richard Dodge, Lorianna Kastrop, Ralph A. Garcia and Simms Duncan

Commissioners Absent: None

Port Executives Present: Executive Director, Kristine A. Zortman; Director of Finance and Administration, Rajesh Sewak;

Port Attorney, Francois X. Sorba

Chair Claire called the meeting to order at 8:00 AM. Clerk of the Board Linda Alvarado conducted a roll call and confirmed a meeting quorum with Commissioners Dodge, Garcia, Kastrop, Duncan and Claire in attendance. Commissioner Dodge led the Pledge of Allegiance.

II. PUBLIC COMMENT—

Executive Director Zortman confirmed that there were no members of the public in attendance at the meeting who wished to make public comment on non-agendized items.

III. APPROVAL OF MINUTES—Regular Meeting of March 9, 2022 and March 23, 2022

After inviting public comment, Chair Claire confirmed with Executive Director Zortman that there were no members of the public in attendance at the meeting who wished to make public comment on this agenda item.

Commissioner Duncan stated that he would vote on the minutes dated March 23, 2022 and abstain on March 9, 2022 minutes vote due to his absence.

A motion to approve minutes dated March 9, 2022 was made by Commissioner Kastrop and was seconded by Commissioner Dodge. The motion passed 4-0 by voice roll call vote with Commissioner Duncan abstaining.

A motion to approve minutes dated March 23, 2022 was made by Commissioner Kastrop and was seconded by Commissioner Dodge. The motion passed by a unanimous voice roll call vote of all Commissioners present.

IV. APPROVAL OF CLAIMS—March 24, 2022

After inviting public comment, Chair Claire confirmed with Executive Director Zortman that there were no members of the public in attendance at the meeting who wished to make public comment on this agenda item.

A motion to approve Claims dated March 24, 2022 was made by Commissioner Garcia and was seconded by Commissioner Dodge. The motion passed by a unanimous voice roll call vote of all Commissioners present.

V. ORDINANCES—NONE

VI. RESOLUTIONS

A. RESOLUTION OF THE BOARD OF PORT COMMISSIONERS OF THE CITY OF REDWOOD CITY DECLARING THE CONTINUED STATE OF LOCAL EMERGENCY CAUSED BY THE COVID-19 PANDEMIC AND THE NEED FOR THE BOARD OF PORT COMMISSIONERS TO TELECONFERENCE IN ORDER TO PRESERVE PUBLIC HEALTH AND SAFETY

After inviting public comment, Chair Claire confirmed with Executive Director Zortman that there were no members of the public in attendance at the meeting who wished to make public comment on this agenda item.

A motion to adopt the Resolution was made by Commissioner Kastrop and was seconded by Commissioner Dodge.

Commissioner Kastrop stated that she desires to have in person or hybrid meetings but realizes that staff is currently working toward that end for future meetings.

Commissioner Duncan stated that he would be voting against the resolution. He stated that Dr. Fauci actually said quote “we are no longer in a pandemic”. Commissioner Duncan further indicated that he had COVID about six weeks ago and although he was vaccinated and boosted, he did not experience anything more than a sniffle. Additionally his son had COVID and bounced right back, really sort of a trivial issue. He stated that based upon his observations our community is back to work or back to normal, without masks. That while San Mateo County guidelines with respect to the pandemic may be different from that of the City Council and the School Board, that he felt our peer agencies were no longer operating under a state of emergency. He did not feel that after two years of the pandemic we are in a state of emergency, as the word emergency is a temporary period of time, therefore he would be voting against the resolution.

Commissioner Dodge inquired as to why Commissioner Duncan took it upon himself to attend the meeting in person when staff indicated that due to the potential impact on Port staff, its operations, and the public, that the meeting should be virtual. The Executive Director makes the decisions regarding staff and the health of the staff, to protect the ongoing operations of the Port. Furthermore, he agrees with the decisions of the Executive Director.

Commissioner Duncan stated that he believed that decisions made by our peer agencies are relevant. He inquired as to whether or not the Port had a policy regarding this matter.

Commissioner Kastrop followed up by stating that as Commissioner Duncan pointed out himself, even though he was vaccinated, he got COVID and she personally has family members who are immunocompromised and if they got COVID, would not have a mild case, as he experienced. They would be in the hospital. While she is interested in getting back to in person meetings, she supports the decisions of the Executive Director. Commissioner Kastrop requested to hear Director Zortman’s perspective on this matter.

Director Zortman stated that the Port has used the San Mateo County (Health Officer) as the guiding agency for public health concerns during this pandemic time and that their guidance was to encourage meeting virtually and not in person. She stated that since March of 2020 no month has had a more severe impact on Port staff as April 2022. This month Port staff has suffered the most with setbacks from COVID and COVID like symptoms; therefore, it was prudent to follow the County’s guidance in the safety and wellbeing of Port staff. Some of Port staff are immunocompromised and several were still recovering from their recent illnesses. Additionally she reminded everyone that Port staff is very small and streamlined such that if one person suffers an illness, it falls to others to cover, therefore it is prudent to minimize impacts so that the entire staff does not fall ill all at once. She concluded by stating that we are like a family here, because we do have to cover each other, and we have to make sure that each other is safe and that when staff goes home to their loved ones they are going home safe as well. This matter is evolving.

Commissioner Garcia stated that it was his understanding from the news that cases are actually rising at this point, hospitalizations are not overly rising but cases are rising with the new variant that is out there.

Commissioner Duncan acknowledged what Commissioner Kastrop said and that some people are in unique situations that require special consideration. He was just making his position known on the specific language of the resolution.

Chair Claire stated that he too saw Dr. Fauci and the United States is no longer in a pandemic but still in a very precarious position as the rest of the world is still in a pandemic. He disclosed that while he does have underlying health issues (non-Hodgkin's lymphoma leukemia) and his immune system immunocompromised, he cannot risk being exposed to COVID or the flu. More people die from exposure to bacterial or a viral infection than from his illness. He stated that the Executive Director did not make this recommendation due to his illness, as the Brown Act clearly states that an individual can attend a meeting remotely. He agreed with her comments about how thin Port staff is as the City has redundant individuals that can pick up when one of the Assistant City Managers is not able to carry on because of COVID. He further cited that two of his friends had COVID, so he agrees caution is prudent in the situation we are in. He supports staff's recommendation and will work remotely as allowed under the Brown Act should the Port move to a hybrid format.

The motion passed 4-1 by voice roll call vote with Commissioner Duncan voting No.

Commissioner Duncan inquired of the Port Attorney if the Chair intends to continue to act as Chairman remotely can he maintain that role (Chairman) under the Brown Act.

Port Attorney Sorba stated that yes, as of right now and should the Board request a memo from him he would oblige, but as of today, the Brown Act allows it.

Chair Claire further reiterated that the Brown Act specifically states that you can work remotely whether you are Chairman or not Chairman, so he did not understand Commissioner Duncan's question.

Commissioner Duncan stated that given the Chair's medical condition would it be practical for him to continue to act as a Commissioner regardless of whether you're the Chairman or not the Chairman, to act as a Commissioner and participate in the meetings remotely, without the public having access to your remote location.

Port Attorney Sorba restated, that the code provides that someone who is attending a meeting remotely, during non-COVID-19 emergency must have the location stated and that the location be open to the public. As to whether or how the code can be interpreted as far as the Chairman is concerned, than that's a different issue.

Chair Claire responded that he would make his location public with him on the front porch and the public in his yard. He concluded that the point is moot.

B. RESOLUTION OF THE BOARD OF PORT COMMISSIONERS OF THE CITY OF REDWOOD CITY APPROVING STANDARD SUBLEASE AGREEMENT (PORTSIDE INVESTORS - PHASE I LEASE AGREEMENT) (ETALON, A CALIFORNIA CORPORATION)

After inviting public comment, Chair Claire confirmed with Executive Director Zortman that there were no members of the public in attendance at the meeting who wished to make public comment on this agenda item.

A motion to adopt the resolution was made by Commissioner Garcia and was seconded by Commissioner Dodge. The motion passed by a unanimous voice roll call vote of all Commissioners present.

C. RESOLUTION OF THE BOARD OF PORT COMMISSIONERS OF THE CITY OF REDWOOD CITY APPROVING SECOND AMENDMENT TO SUBLEASE AGREEMENT (PORTSIDE INVESTORS - PHASE I LEASE AGREEMENT) (SEAPORT LAW GROUP, LLP)

After inviting public comment, Chair Claire confirmed with Executive Director Zortman that there were no members of the public in attendance at the meeting who wished to make public comment on this agenda item.

A motion to adopt the resolution was made by Commissioner Garcia and was seconded by Commissioner Kastrop. The motion passed by a unanimous voice roll call vote of all Commissioners present.

VII. MOTIONS

A. MOTION OF THE BOARD OF PORT COMMISSIONERS OF THE CITY OF REDWOOD CITY APPROVING FISCAL YEAR 2022/2023 CALL FOR SPONSORSHIP PROGRAM AWARDEES

After inviting public comment, Chair Claire confirmed with Executive Director Zortman that there were no members of the public in attendance at the meeting who wished to make public comment on this agenda item.

Commissioner Duncan recused himself from the vote regarding City Trees.

A motion to adopt the resolution for City Trees was made by Commissioner Dodge and was seconded by Commissioner Kastrop.

The motion passed 4-0 by voice roll call vote with Commissioner Duncan abstaining.

A motion to adopt the remaining items of the resolution was made by Commissioner Kastrop while she thanked Port staff. The motion was seconded by Commissioner Garcia. The motion passed by a unanimous voice roll call vote of all Commissioners present.

VIII. REPORTS/PRESENTATIONS—NONE

IX. EXECUTIVE DIRECTOR'S REPORT

March 27 through 31, Commissioner Kastrop and she attended the annual American Association of Port Authorities (AAPA) conference in Washington D.C. meeting with several of our electeds.

On April 14, staff attended both the California Association of Port Authorities (CAPA) Directors meeting as well as the local Harbor Safety Committee.

On April 21, she attended the Bay Conservation and Development Commission (BCDC) board meeting as they continue to discuss elements within the Seaport Plan of which the Port is one of those in the updated Seaport Plan.

On April 27, she will be attending a stakeholder meeting with the Governor's Office and other Port authorities within CAPA as well as other regional stakeholders to talk about the governor's budget surrounding freight and goods movement. Director Zortman concluded with today is Administrative Professional's Day, thanking Linda Alvarado the new Clerk of the Board for everything that she is doing behind the scenes. Additionally, it is an exciting time for the Port with many things going on, thanking staff for all the teamwork.

X. MATTERS OF BOARD INTEREST

Commissioner Dodge requested clarification from the Port Attorney as to whether Commissioners should be attending in-person at the Board meetings.

Port Attorney Sorba stated that from what he understood Commissioner Duncan is appearing on Zoom.

Director Zortman clarified that Commissioner Duncan is physically at the meeting however due to technical issues is on his laptop on Zoom.

Port Attorney Sorba responded that he would need to confer with Director Zortman, but that it is possible to attend a meeting via Zoom provided that the location of that person is stated on the agenda and that the location is open to members of the public.

Commissioner Dodge asked Director Zortman if she was comfortable with the Board attending in person.

Director Zortman stated that as it related to this particular meeting she had consulted with the Port’s HR professional in light of recent staff illnesses. It was after reviewing the County’s guidance in consultation with HR that she determined that Port staff’s safety could be compromised and that a virtual meeting was the most prudent course of action.

Commissioner Duncan stated that he is not aware of any policy with respect to Board members attending meetings in person, indicating that if there is a policy in place that he would follow it.

Port Attorney Sorba stated that the purpose of having meetings remote is to protect the public, staff and the Commissioners. Stating that he would follow up with Director Zortman as to what transpired at this Board meeting.

Commissioner Duncan pointed out that the staff report did not contain any information about the fragility of staff and the continued Port operations, requesting that if there are conditions occurring among staff that he would like it to be documented on paper so that he has a sound basis for his decision.

Commissioner Dodge confirmed that in fact there is a statement in the continuing resolution that states “staff has considered the circumstances of the state of emergency and determined that it is still effective and continues to directly impact the ability of the Port, its operations, its Board members and staff to meet safely in person.”

Commissioner Duncan concluded that with staff meeting in person, if he is deemed a threat then we should identify it so that he can be isolated.

Commissioner Kastrop was recognized on Matters of Board Interest. On April 7th, she attended the Water Emergency Transportation Authority Board meeting, speaking in favor of the reduced fares and in support of the future ferry service at the Port. She further stated that the trip to the AAPA conference in Washington D.C. was very valuable and thanked the Port’s lobbyist, Lindsay Hart, LLP for their continued support in working with our electeds in DC.

XI. CLOSED SESSION—NONE

XII. ADJOURNMENT—To Regular Meeting of May 11, 2022

After inviting public comment, Chair Claire confirmed with Executive Director Zortman that there were no members of the public in attendance at the meeting who wished to make public comment on this agenda item. A motion to adjourn the meeting was made by Commissioner Kastrop and was seconded by Commissioner Dodge. The motion passed by a unanimous voice roll call vote of all Commissioners present. The meeting was adjourned by Chair Claire at 9:04 AM to its next regularly scheduled meeting on May 11, 2022.