



MINUTES

Thursday, September 24, 2015

Board Room – 2nd Floor

ROLL CALL

President Hamlin called the meeting to order at the hour of 1:03 p.m. and the following Commissioners were in attendance:

Present: 7 Commissioner Butner, Commissioner Head, Commissioner Parker, Commissioner Story, 2nd Vice-President Colbruno, 1st Vice President Yee and President Hamlin.

1. CLOSED SESSION

President Hamlin, convened the Board in Closed Session at the hour of 1:05 p.m. to review the following items:

1.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9):

CMC Food Services LLC and NNF Grewal, Inc. v. Port of Oakland, et al. Alameda County Superior Court Case No.: RG13685134

File ID: [475-15]

Commissioner Butner was recused, for potential economic interest, on Item 1.1. He was not in the room and took no part in the discussion, deliberation or decision on the item.

1.2 CONFERENCE WITH LABOR NEGOTIATORS - (Pursuant to California Government Code Section 54957.6).

Employee Organizations: International Federation of Professional and Technical Engineers, Local 21 (IFPTE-Local 21); Services Employees International Union, Local 1021 (SEIU-Local 1021); Western Council of Engineers (WCE); and International Brotherhood of Electrical Workers, Local 1245 (IBEW-Local 1245)

Unrepresented Employees: Unit H and M

File ID: [478-15]

- 1.3 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** (Initiation of Litigation Pursuant to Paragraph (2) of Subdivision (d) of California Government Code Section 54956.9): Number of Matters: **4**

File ID: [476-15]

- 1.4 CONFERENCE WITH REAL PROPERTY NEGOTIATOR** - (Pursuant to California Government Code Section 54956.8)

Property: 1441-1551 Embarcadero Road, Oakland

Negotiating Parties: Paresh Patel and Port of Oakland

Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate

Under Negotiation: Price and Terms of Tenancy

Property: Maritime Street, Oakland (Approx. 19 acres, former Oakland Army Base)

Negotiating Parties: CenterPoint Properties and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Price and Terms of Tenancy for Phase IA OAB Redevelopment

Property: Oakland Army Base Redevelopment

Negotiating Parties: Oakland Global Rail Enterprises (OGRE), City of Oakland and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Terms for Phase IA OAB Redevelopment and Rail Access Operations

Property: Berths 25-26 (Port of Oakland)

Negotiating Parties: TraPac, LLC, Ports America Outer Harbor Terminal, LLC, SSA Terminals, and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Price and Terms of Payment

Property: 555 Maritime Street, Oakland (Approximately 38 acres of land currently occupied by Shippers Transport Express that is adjacent to the Port-owned rail terminal operated by Burlington Northern Santa Fe in the Port's Maritime area).

Negotiating Parties: Lineage Logistics/Dreisbach Enterprises and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Price and Terms of Tenancy

Property: 333 Maritime Street, Oakland, CA

Negotiating Parties: BNSF Railway and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Lease Renewal Negotiations

File ID: [477-15]

OPEN SESSION/ROLL CALL

President Hamlin reconvened the Meeting in Open Session at the hour of 4:41 p.m., and the following Commissioners were in attendance:

Present: 7 Commissioner Butner, Commissioner Head, Commissioner Parker, Commissioner Story, 2nd Vice-President Colbruno, 1st Vice President Yee and President Hamlin.

CLOSED SESSION REPORT

Port Attorney, Danny Wan, reported that the Board had taken the following action in Closed Session:

Resolution: Approving and Authorizing Execution of a Settlement Agreement and Mutual Release With Respect To Certain "After-Acquired" Parcels With New Hampshire Insurance Company And North Star Reinsurance Corporation

File ID: [500-15]

A motion was made by First Vice-President Yee, seconded by Commissioner Butner, that this Resolution be approved. The motion carried by the following vote:

Ayes: 7 - Commissioner Butner, Commissioner Head, Commissioner Parker, Commissioner Story, Second Vice-President Colbruno, First Vice-President Yee, and President Hamlin

2. CONSENT AGENDA

A motion was made by Second Vice-President Colbruno, seconded by Commissioner Parker, to approve the Consent Agenda. The motion carried by the following vote:

Ayes: 7 - Commissioner Butner, Commissioner Head, Commissioner Parker, Commissioner Story, Second Vice-President Colbruno, First Vice-President Yee, and President Hamlin

- 2.1 Resolution:** Authorization to Enter into Grant Agreement with the US Environmental Protection Agency for Container Handling Equipment Upgrades, and Authorization to Execute a Sub-grantee Agreement with TraPac, LLC, to Utilize Grant Funds to Implement Container Handling Equipment Upgrades. **(Environmental)**

File ID: [\[449-15\]](#)

This Resolution was approved.

- 2.2 Resolution:** Cancellation of Port Senior Equipment Mechanic Eligible List. **(Finance & Admin.)**

File ID: [\[469-15\]](#)

This Resolution was approved.

- 2.3 Resolution:** Authorization to Execute an Assignment of Lease Agreement from RD San Francisco Assets, LLC to Radio Mirchi, Inc. **(CRE)**

File ID: [\[471-15\]](#)

This Resolution was approved.

- 2.4 Ordinance 4348,** 2nd Reading Of An Ordinance Approving License And Concession Agreement With Chantal Wilson, Dba "French Artist Club, Inc.", For Property Located At 8407 Edgewater Drive, Suite C, Oakland, California.

File ID: [\[473-15\]](#)

This Ordinance was approved.

- 2.5 Ordinance 4349,** 2nd Reading Of An Ordinance Authorizing The Executive Director To Amend Space Assignment Agreements At The Former Oakland Army Base With (I) Bridgeport Transportation, (II) Impact Transportation, (III) MDI Forest Products, (IV) Pacific Coast Container, (V) Port Transfer Inc., And (VI) United Intermodal Service.

File ID: [\[474-15\]](#)

This Ordinance was approved.

- 2.6 Minutes:** Regular Meeting of July 23, 2015.

File ID: [\[481-15\]](#)

The Minutes were approved.

- 2.7 Report:** Annual Change Order Report on Construction Contracts Completed during FY 14/15 **(Engineering)**

File ID: [\[444-15\]](#)

This Report was received and filed.

3. MAJOR PROJECTS

There were no "Major Projects" items.

4. BUDGET & FINANCE

- 4.1 Report:** Fiscal Year 2015 Financial Highlights. **(Finance & Admin.)**

File ID: [\[150-15\]](#)

Chief Financial Officer, Sara Lee, introduced 4.1.

- 4.2 Resolution:** Approval to Reimburse the City of Oakland for General Services and Lake Merritt Trust Services Rendered in Fiscal Year 2014-15. **(Finance & Admin)**

File ID: [\[155-15\]](#)

A motion was made by Commissioner Head, seconded by First Vice-President Yee, that this Resolution be approved. The motion carried by the following vote:

Ayes: 7 - Commissioner Butner, Commissioner Head, Commissioner Parker, Commissioner Story, Second Vice-President Colbruno, First Vice-President Yee, and President Hamlin

5. STRATEGY & POLICY

- 5.1 PULLED:** ~~Resolution: Authorization for the Executive Director to Approve the Revised Maritime and Aviation Project Labor Agreement (MAPLA) (SRD)~~

File ID: [\[482-15\]](#)

Item 5.1 was pulled on the recommendation of staff.

6. REMAINING ACTION ITEMS

- 6.1 Resolution:** Adoption of the Resolutions Necessary to Set the Terms and Conditions of Employment and Certain Benefits for Port of Oakland Employees Represented by Western Council of Engineers. **(Finance and Admin.)**

File ID: [\[433-15\]](#)

Director of Human Resources, Christopher Boucher, presented Items 6.1 and 6.2.

A motion was made by First Vice-President Yee, seconded by Commissioner Butner, that this Resolution be approved. The motion carried by the following vote:

Ayes: 7 - Commissioner Butner, Commissioner Head, Commissioner Parker, Commissioner Story, Second Vice-President Colbruno, First Vice-President Yee, and President Hamlin

- 6.2 Ordinance & Resolution:** Enactment of An Ordinance to Amend Port Ordinance No. 867 to Set the Salaries and Certain Benefits for Port of Oakland Employees Represented by the Western Council of Engineers and for Non-Represented Port Employees in Port Employee Representation Unit M and Adoption of a Resolution to Approve Certain Benefits for Non-Represented Employees in Unit M. **(Finance and Admin.)**

File ID: [\[435-15\]](#)

A motion was made by Second Vice-President Colbruno, seconded by Commissioner Head, that this Ordinance be approved. The motion carried by the following vote:

Ayes: 7 - Commissioner Butner, Commissioner Head, Commissioner Parker, Commissioner Story, Second Vice-President Colbruno, First Vice-President Yee, and President Hamlin

6.3 Ordinance: Approval for the Execution of a Long-Term Lease for the Development and Operation of Temperature Controlled Transload Facility **(Maritime)**

File ID: [\[455-15\]](#)

Pia Franzese, Senior Maritime Projects Administrator, presented the Item to the Board.

Project developers Jason Driesbach and David Brandes addressed the Board on Item 6.3.

A motion was made by First Vice-President Yee, seconded by Commissioner Butner, that this Ordinance be approved. The motion carried by the following vote:

Ayes: 7 - Commissioner Butner, Commissioner Head, Commissioner Parker, Commissioner Story, Second Vice-President Colbruno, First Vice-President Yee, and President Hamlin

7. UPDATES/ANNOUNCEMENTS

Vice-President Colbruno reported that the Port had recieved the Corporate Leadership Award from the East Bay Stonewall Democratic Club.

8. SCHEDULING

The Board Secretary announced that the Board would hold a Special Meeting on Monday, September 28th at 10:00 am.

OPEN FORUM

Kim Waldron, representative of IFPTE - Local 21, addressed the Board on contract negotiations.

ADJOURNMENT

There being no additional business, the Meeting was adjourned at the hour of 6:00 p.m.

Date

John Betterton,
Secretary of the Board