



MINUTES

Thursday, May 26, 2016

Board Room – 2nd Floor

ROLL CALL

President Hamlin called the meeting to order at the hour of 1:10 pm and the following Commissioners were in attendance:

Present: 7 - Commissioner Andreas Cluver, President Earl Hamlin, Commissioner Arabella Martinez, First Vice-President Alan Yee, Commissioner Joan Story, Commissioner Ces Butner, and Second Vice-President Michael Colbruno

1. CLOSED SESSION

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

Property: Berths 25-26 (Port of Oakland)

Negotiating Parties: TraPac, LLC; Outer Harbor Terminal, LLC (formerly known as Ports America Outer Harbor Terminal, LLC); HHH Oakland, Inc.; Terminal Investment Limited SA; and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Price and Terms of Payment

Property: Maritime Street, Oakland (former Oakland Army Base)

Negotiating Parties: Union Pacific Railroad, City of Oakland and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Negotiations on terms of rail facility development, operations and access

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 Lease and Development

File ID: [142-16]

1.2 PUBLIC EMPLOYEE PERFORMANCE EVALUATION - (Pursuant to California Government Code Section 54957).

Title: Chief Audit Officer

File ID: [143-16]

OPEN SESSION/ROLL CALL

President Hamlin called the meeting to order at the hour of 3:07 pm and the following Commissioners were in attendance:

Present: 7 - Commissioner Andreas Cluver, President Earl Hamlin, Commissioner Arabella Martinez, First Vice-President Alan Yee, Commissioner Joan Story, Commissioner Ces Butner, and Second Vice-President Michael Colbruno

CLOSED SESSION REPORT

Port Attorney, Danny Wan, reported that the Board had taken no final action in Closed Session.

PUBLIC HEARING

At 3:09 pm President Hamlin called a Public Hearing. Commissioners Butner and Cluver were recused for potential financial interests. The Hearing was a continuation of an Administrative Appeal Hearing.

Director of Environmental Programs & Planning, Richard Sinkoff, gave the staff presentation.

David Blackwell and Ty Hudson spoke for the Appellants. _____ spoke for the Applicant.

The following members of the public addressed the Board: Ranil Bhukhan, Susan Wise, Tony Ng, Frasco Orazco, Jacob Adiarle, Mike Gentzner, Daniel Lopez, Bryan Wenters, Alejandra Galvan, Shalend Singh, Sonjia Jordan, Aria Bustillos, Jose Hernandez, Fred Pecker, Patricia Flores, Wei-Ling Huber and Riana Shass Robinson.

The Hearing concluded at 5:14 pm.

- 1 Public Hearing: Resolution 16-59**, Continuation of February 26 and May 14, 2015, Administrative Appeal Hearings - (1) Adopt the PHOs' findings of fact and determinations as set forth in the PHOs' December 18, 2014 Decision; (2) Adopt the PHOs' findings of fact and determinations as set forth in their April 12, 2016 Email; (3) Adopt the PHOs' findings of fact and determinations as set forth in their May 13, 2016 Supplemental Response; (4) Adopt the PHOs' findings of fact and determinations as set forth in their May 13, 2016 Response to the May 14, 2015 Remand; (5) Certify the Final Focused EIR; (6) Approve the five sign variances; (7) Approve the Development Permit and the revised Conditions of Approval; and, (8) Deny the appeals of Appellants' Carpenters and UNITEHERE! concerning the Proposed Hotel at 195 Hegenberger Road in the Oakland Airport Business Park, Oakland, California. **(Engineering)**

File ID: [\[99-16\]](#)

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

Ayes: 5 - President Hamlin, Commissioner Martinez, First Vice-President Yee, Commissioner Story, and Second Vice-President Colbruno

Recused: 2 - Commissioner Cluver, and Commissioner Butner

2. CONSENT ITEMS

A motion was made by Second Vice-President Colbruno, seconded by First Vice-President Yee, that the Consent Items be approved. The motion carried by the following vote:

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

- 2.1 Resolution 16-60:** Approval to Increase the Executive Director's Contract Authority with Wood Rodgers, Inc. to Provide Two-Dimensional Floodplain Modeling of Oakland Airport and Appeal of 4/16/15 Preliminary Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panels at the Oakland International Airport. **(Engineering)**

File ID: [\[133-16\]](#)

This Resolution was approved.

- 2.2 Ordinance 4376,** 2nd Reading Of An Ordinance Approving First Amendment To Space/Use Permit With Clean Energy Fuels Corporation To Provide Compressed Natural Gas At Oakland International Airport.

File ID: [\[141-16\]](#)

This Ordinance was approved.

7. UPDATES/ANNOUNCEMENTS

President Hamlin made the following announcement:

Under Section 1, Article V of the bylaws, I am announcing the appointment of an OAKLAND ARMY BASE DEVELOPMENT COMMUNITY BENEFITS Ad Hoc Study and Advisory Committee. I am appointing Commissioner Butner, Commissioner Cluver and Commissioner Story to the Committee. Commissioner Story will chair the Committee.

The Ad Hoc Committee will meet with senior executive staff on an as-needed basis for the limited purposes of: making recommendations to the Board on the desired components and structure of a community benefits program relating to the development of the former Oakland Army Base.

The Ad Hoc Committee will commence work immediately and will end its work by December 2016. This committee is a temporary advisory committee composed solely of less than a quorum of the Board and serves the limited purposes as outlined and shall have no legislative or policy-setting authority. It will report to the Board its findings on a periodic basis during its existence and on or before the last regular Board meeting of 2016.

3. MAJOR PROJECTS

There were no Major Projects to consider.

4. BUDGET & FINANCE

- 4.1 **Report:** Unaudited Financials for 9 months ended March 31, 2016 including Capital Expenditure Report. **(Finance & Admin)**

File ID: [\[623-15\]](#)

Tatiana Starostina, Manager of Financial Planning, introduced Item 4.1.

This Report was received and filed.

Vice-President Colbruno and Commissioner Butner, by prior arrangement, left the meeting at the hour of 5:40 pm.

5. STRATEGY & POLICY

5.1 Report: Status of Non-Aviation Port Emergency Preparedness Activities (**Executive Office**)

File ID: [\[135-16\]](#)

This Report was pulled.

6. REMAINING ACTION ITEMS

6.1 Resolution 16-61: Budget Approval and Other Related Authorizations for the Berth 55 Mooring Dolphin Project (**Maritime**)

File ID: [\[123-16\]](#)

Maritime Director, John Driscoll, introduced Item 6.1.

James Duree addressed the Board on Item 6.1.

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

Ayes: 5 - Commissioner Cluver, President Hamlin, Commissioner Martinez, First Vice-President Yee, and Commissioner Story

Excused: 2 - Commissioner Butner, and Second Vice-President Colbruno

6.2 Ordinance 4377: A 3% Increase to the Space Assignment Rates in Section X-B of Port of Oakland Tariff 2-A, effective July 1, 2016 (**Maritime**)

File ID: [\[128-16\]](#)

Maritime Director, John Driscoll, introduced Item 4.2

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

Ayes: 5 - Commissioner Cluver, President Hamlin, Commissioner Martinez, First Vice-President Yee, and Commissioner Story

Excused: 2 - Commissioner Butner, and Second Vice-President Colbruno

8. SCHEDULING

There were no Scheduling Items.

OPEN FORUM

There were no speakers in Open Forum.

ADJOURNMENT

There being no additional business, the Meeting was adjourned at the hour of 5:51 pm.

February 9, 2017

John Betterton
Secretary of the Board