



## MINUTES

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Thursday, October 8, 2015

Board Room – 2nd Floor

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### 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:**       **6** - Commissioner Ces Butner, Commissioner James Head, Commissioner Joan Story, Second Vice-President Michael Colbruno, First Vice-President Alan Yee, and President Earl Hamlin

**Excused:**       **1** - Commissioner Bryan Parker

### 1. CLOSED SESSION (1:00 p.m.)

President Hamlin convened the Board in Closed Session at the hour of 1:12 pm to hear the following:

#### 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:** [503-15]

#### 1.2 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:** 3

**File ID:** [504-15]

#### 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 (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:** [506-15]

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

**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:** 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

**File ID:** [505-15]

**OPEN SESSION/ROLL CALL**

President Hamlin reconvened the Open Session of the Regular Meeting of October 8, 2015 to order at the hour of 3:00 pm, and the following Commissioners were in attendance:

**Present:**       **6** - Commissioner Ces Butner, Commissioner James Head, Commissioner Joan Story, Second Vice-President Michael Colbruno, First Vice-President Alan Yee, and President Earl Hamlin

**Excused:**       **1** - Commissioner Bryan Parker

**CLOSED SESSION REPORT**

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

**A motion was made by First Vice-President Yee, seconded by Commissioner Story, to approve Resolution 15-117. The Motion carried by the following vote:**

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

**Recused: 1** - Commissioner Butner

**Excused: 1** - Commissioner Parker

**Resolution 15-117** Approving And Authorizing Retention of Gordon & Pollard Law Firm As Special Counsel In Connection With CMC Food Services, LLC and Grewal, Inc. v. Port of Oakland, Superior Court Case No. RF13685134 And related Matters At A Compensation Not To Exceed \$350,000 for FY15-16

## **CONSENT ITEMS**

Board Secretary, John Betterton, introduced the Consent Items.

**A motion was made by Second Vice-President Colbruno, seconded by Commissioner Head, that the Consent Items be approved. The motion passed by the following vote:**

**Ayes:**           **6 -** Commissioner Butner, Commissioner Head, Commissioner Story, Second Vice-President Colbruno, First Vice-President Yee, and President Hamlin

**Excused:**       **1 -** Commissioner Parker

- 2.1 Resolution:** Amendment to Domestic and International Passenger Air Service Marketing Incentive Programs (**Aviation**)

**File ID:** [\[387-15\]](#)

**This Resolution was approved.**

- 2.2 Building Permit:** Approval of Building Permit for Everport Terminal Services Inc. (ETS) for Upgrades to the Site Technology Systems, 5190 7th Street, Ben Nutter Terminal, Maritime (**Engineering**)

**File ID:** [\[472-15\]](#)

**This Resolution was approved.**

- 2.3 Building Permit:** Approval of Building Permit for Chevron for Maintenance and Repair of Existing Ramp Paving at Hangar 10, 7799 Earhart Road, North Field, Aviation (**Engineering**)

**File ID:** [\[487-15\]](#)

**This Resolution was approved.**

- 2.4 Ordinance No 4350**, 2nd Reading Of An Ordinance Amending Port Ordinance No. 867 Ratifying And Setting The Compensation For Certain Employees Of The Port Department Represented By Western Council Of Engineers And For Certain Non-Represented Employees Of The Port Department Belonging To Port Employee Representation Unit M, And Amending Port Ordinance No. 867 Providing Professional Development Benefits For Certain Officers And Employees.

File ID: [\[499-15\]](#)

**This Ordinance was approved.**

- 2.5 Ordinance No 4351**, 2nd Reading Of An Ordinance Authorizing And Approving A Lease With A Maximum Term Not To Exceed 66 Years With Cool Port Oakland, LLC For Approximately 23 Acres Within The Maritime Area.

File ID: [\[501-15\]](#)

**This Ordinance was approved.**

- 2.6 Minutes:** Regular Meeting of September 24, 2015.

File ID: [\[502-15\]](#)

**The minutes were approved.**

### **3. MAJOR PROJECTS**

There were no Major Projects to discuss.

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

There were no Budget & Finance items to discuss.

### **5. STRATEGY & POLICY**

- 5.1 PULLED:** ~~Report on the Non-Discrimination and Small Local Business Utilization Policy (SRD)~~

File ID: [\[480-15\]](#)

**This Report was pulled.**

### **6. REMAINING ACTION ITEMS**

- 6.1 PULLED:** ~~Ordinance: Extension and transfer of Space Assignment Agreement from Industrial Railways Company to Capital Feed and Port Transfer Inc. on the former Oakland Army Base, including approximately \$1.4 million in site and building improvements (Maritime)~~

File ID: [\[491-15\]](#)

**This Ordinance was pulled.**

- 6.2 Ordinance:** 7th Supplemental Agreement with BNSF Railway Company for the Joint Intermodal Terminal (**Maritime**).

File ID: [\[291-15\]](#)

Maritime Director, John Driscoll, presented the item.

**A motion was made by First Vice-President Yee, seconded by Second Vice-President Colbruno, that this Ordinance be approved (but that the Motion exclude an additional 5 year option) . The motion passed by the following vote:**

**Ayes:** 4 - Commissioner Head, Second Vice-President Colbruno, First Vice-President Yee, and President Hamlin

**No:** 2 - Commissioner Butner, and Commissioner Story

**Excused:** 1 - Commissioner Parker

- 6.3 Ordinance.** Adoption of an Ordinance Authorizing Execution of a *Space/Use Permit* with MAG US Lounge Management LLC for Construction, Maintenance and Operation of a Common Use Airport Lounge (**Aviation**)

File ID: [\[388-15\]](#)

Acting Aviation Director, Kristi McKenney, presented the item.

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

**Ayes:** 6 - Commissioner Butner, Commissioner Head, Commissioner Story, Second Vice-President Colbruno, First Vice-President Yee, and President Hamlin

**Excused:** 1 - Commissioner Parker

## **7. UPDATES/ANNOUNCEMENTS**

Second Vice-President, Michael Colbruno asked that the meeting be adjourned in memory of the El Faro, a U.S. flagged ship that sank in a Hurricane near the Bahamas with 33 souls aboard.

## **8. SCHEDULING**

There were no scheduling Items.

## **OPEN FORUM**

There were no Speakers in Open Forum.

## **ADJOURNMENT**

There being no additional business, at the hour of 3:21 p.m., the Meeting was adjourned in memory of the 33 souls who lost their lives aboard the El Faro.

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John Betterton  
Secretary of the Board

December 3, 2015