



MINUTES

Thursday, May 18, 2017

Board Room – 2nd Floor

Special Meeting

ROLL CALL

President Colbruno called the Special Meeting of May 18, 2017 to order at 1:03 p.m. and the following Commissioners were in attendance:

Present: 6 - Commissioner Andreas Cluver, Commissioner Earl Hamlin, Commissioner Arabella Martinez, Commissioner Alan Yee, Second Vice-President Joan Story and President Michael Colbruno

Excused: 1 - First Vice-President Ces Butner

1. CLOSED SESSION

President Colbruno convened the Board in Closed Session at 1:05 pm to hear the following Items:

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

Property: Maritime Street, Oakland (Approx. 27 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

Property: 333 Maritime Street, Oakland, CA (Approx. 87 acres, Joint Intermodal Terminal)

Negotiating Parties: Burlington Northern & Santa Fe Railway Co. ("BNSF"), and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Price and Terms of Lease and Development

Property: 1441-1551 Embarcadero Road, Oakland, CA

Negotiating Parties: East Bay Regional Park District, and Port of Oakland

Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate

Under Negotiation: Price and Terms of Payment

File ID: [137-17]

- 1.2 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - (Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of California Government Code Section 54956.9): Number of Matter 1

·West Oakland Environmental Indicators Project Complaint

File ID: [138-17]

- 1.3 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - (Initiation of Litigation Pursuant to Paragraph (3) of Subdivision (d) of California Government Code Section 54956.9): Number of Matter 1

File ID: [139-17]

OPEN SESSION/ROLL CALL

President Colbruno called the Special Meeting of May 18, 2017 to order at the hour of 3:00 p.m. and the following Commissioners were in attendance:

Present: **6** - Commissioner Andreas Cluver, Commissioner Earl Hamlin, Commissioner Arabella Martinez, Commissioner Alan Yee, Second Vice-President Joan Story and President Michael Colbruno

Excused: **1** - First Vice-President Ces Butner

CLOSED SESSION REPORT

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

2. CONSENT ITEMS

Board Secretary, John Betterton, introduced the Consent Items.

A motion was made by Commissioner Yee, seconded by Commissioner Hamlin, to approve the Consent Items. The motion carried by the following vote:

Ayes: **6** - Commissioner Cluver, Commissioner Hamlin, Commissioner Martinez, Commissioner Yee, Second Vice-President Story and President Colbruno

Absent: **1** - First Vice-President Butner

- 2.1 Resolution:** Consent to Assignment of the Professional Services Agreements with Air-Transport IT Services, Inc. to Amadeus Airport IT Americas, Inc. **(Aviation)**

File ID: [\[106-17\]](#)

This Resolution was approved.

- 2.2 Ordinance 4113**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into A Third Supplemental Agreement With DASL, LLC For The Cost Plus Parking Lot (Corner Of 2nd And Clay Streets).

File ID: [\[130-17\]](#)

This Ordinance was approved.

- 2.3 Ordinance 4114**, 2nd Reading Of An Ordinance Amending Port Ordinance No. 2833 Amending Tariff No. 2-A.

File ID: [\[133-17\]](#)

This Ordinance was approved.

- 2.4 Ordinance 4415**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute With Yoshi's Japanese Restaurant A Lease Amendment For Property Located At 510 Embarcadero West, Oakland, And Two License Agreements For A Parking Stall And Rooftop Antenna In The Washington Street Garage Located At 101 Washington Street, Oakland.

File ID: [\[128-17\]](#)

This Ordinance was approved.

- 2.6 Ordinance 4117**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into A Wireless Telecommunications Lease With Sprint Spectrum LP For Approximately 1,200 Square Feet Of Land For A Term Of Ten (10) Years.

File ID: [\[129-17\]](#)

This Ordinance was approved.

- 2.7 Ordinance 4118**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into A License And Concession Agreement With California Generator Service Corporation At 7723, 7721, And 7717 Oakport Street, Oakland, California.

File ID: [\[132-17\]](#)

This Ordinance was approved.

2.8 Minutes: Approval of the Minutes of the Special Meeting of May 4, 2017. **(Board)**

File ID: [\[126-17\]](#)

The Minutes were approved.

2.9 Report: Executive Director Awards of Public Works and Professional Services Contracts for the Period from May 2016 through April 2017. **(Engineering)**

File ID: [\[109-17\]](#)

This Report was received and filed.

2.5 Ordinance 4416, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into A Fourth Amendment To The Jack London Square Operating Agreement To Allow The Executive Director To Allow Certain Video Game Uses On A Case-By-Case Basis.

File ID: [\[127-17\]](#)

Commissioner Martinez requested that Item 2.5 be taken off of the Consent Items and heard separately.

Pam Kershaw, Director of Commercial Real Estate, introduced Karin Schrader and Jennifer Koidal of C.I.M. who addressed the Board on the proposed project.

A Motion was made that the Board providing further clarification of the types of planning principles the staff should consider when reviewing these requests for e-sports venues, which should include, but are not be limited to, the following:

- 1) ensuring that the tenant provides adequate on-site security to serve the use within the tenant premises at the tenant's sole cost and expense;
- 2) ensuring that the use complies with all existing State laws relating to the prohibition of on-site gambling or betting;
- 3) ensuring that the tenant provides adequate measures to discourage loitering outside the premises;
- 4) ensuring that the tenant complies with all applicable Noise Regulations and the Noise Ordinance of the City of Oakland;
- 5) ensuring that the tenant obtains and complies with all required permits and conditions of any permits required by the City of Oakland or other applicable regulatory agencies.

A motion was made by Commissioner Yee, seconded by Commissioner Martinez, that the Ordinance be approved.. The motion carried by the following vote:

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

SPECIAL PRESENTATION

President Colbruno reported the story of Southwest passenger Steven Kirschner who had a heart attack while at OAK. Four Kaiser nurses (Rainier Escanio, Marc Discipulo, Oscar Naca and Armil Vertudez), travelling from a conference, rendered first aid and cardiac pulmonary resuscitation. Airport Operations and Sheriff's Office personnell joined in helping Mr. Kirschner. Both Mr. Kirschner and his wife Susan, attended the Meeting.

Oakland City Councilman, Abel Guillen, presented proclamations to the rescuers and a representative from Southwest Airlines presented the rescuers and Mr. and Mrs. Kirschner with travel vouchers.

3. MAJOR PROJECTS

3.1 Report: BART Connector - Summary of Operations and Performance Overview by BART Staff (Aviation)

File ID: [\[093-17\]](#)

David Murphy, Chief Operating Officer of e-BART and Oakland Airport Connector, presented a report on the connector.

This Report was received and filed.

4. BUDGET & FINANCE

Chief Financial Officer, Sara Lee, introduced the Budget & Finance Items.

4.1 Report: Update on Bond Refunding. (Finance & Admin)

File ID: [\[023-17\]](#)

This Report was received and filed.

4.2 Report: FY 2018 Operating and Capital Budget Update #2 and Unaudited Financials for 9 months ended March 31, 2017 including Capital Expenditure Report. (Finance & Admin)

File ID: [\[413-16\]](#)

This Report was received and filed.

- 4.3 Resolution:** Authorization to (i) Pre-Pay the Port's Proportionate Share of the FY 2018 Unfunded Accrued Liability for the City of Oakland Miscellaneous Plan (Pension Plan) for which the Port is a Participant in Lieu of 26 Bi-Weekly Payments and (ii) Enter into a Letter Agreement with the City Outlining Certain Procedures for FY 2018 as a Result of the City Participating in the CalPERS Pre-Pay Program. **(Finance & Admin)**

File ID: [\[098-17\]](#)

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

Ayes: **6** - Commissioner Cluver, Commissioner Hamlin, Commissioner Martinez, Commissioner Yee, Second Vice-President Story and President Colbruno

Absent: **1** - First Vice-President Butner

5. STRATEGY & POLICY

- 5.1 Report:** Informational Report on the Efforts of the Jack London Improvement District **(CRE)**

File ID: [\[124-17\]](#)

Savlan Hauser, Executive Director of the Jack London Improvement District addressed the Board.

This Report was received and filed.

- 5.2 Resolution:** Approval and Authorization of the Executive Director to Amend the Existing Agreement with Davillier-Sloan Inc. (DSI) to Provide Maritime and Aviation Project Labor Agreement (MAPLA) Administrative Services and Trucking Services **(SRD)**

File ID: [\[094-17\]](#)

Social Responsibility Supervisor, Amy Tharpe, introduced Item 5.2.

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

Ayes: **6** - Commissioner Cluver, Commissioner Hamlin, Commissioner Martinez, Commissioner Yee, Second Vice-President Story and President Colbruno

Absent: **1** - First Vice-President Butner

5.3 Resolution: Adoption of a Labor Peace Rule for Airport Concession Tenancy Agreements. (Aviation)

File ID: [\[135-17\]](#)

Aviation Director, Bryant Francis, and Port Attorney, Danny Wan, introduced Item 5.3.

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

Ayes: **6** - Commissioner Cluver, Commissioner Hamlin, Commissioner Martinez, Commissioner Yee, Second Vice-President Story and President Colbruno

Absent: **1** - First Vice-President Butner

6. REMAINING ACTION ITEMS

6.1 Ordinance: Approval of: (1) an *Amendment to Space Use Permit for Non-Exclusive Rental Car Concession* with Avis Budget Car Rental, LLC; DTG Operations, Inc.; Enterprise Rent A Car Company of San Francisco; Fox Rent A Car, Inc.; The Hertz Corporation; and, Vanguard Car Rental USA Holdings, Inc. (2) a *Space Use Permit for Non-Exclusive Rental Car Concession* with Avis Budget Car Rental, LLC; Enterprise Rental Car Company of San Francisco; Fox Rent A Car, Inc.; and, The Hertz Corporation; and (3) a *Third Supplemental Agreement to a Lease* with Enterprise Rental Car Company of San Francisco, for Property and Operations at Oakland International Airport. **(Aviation)**

File ID: [\[113-17\]](#)

Aviation Director, Bryant Francis, introduced Item 6.1.

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

Ayes: **6** - Commissioner Cluver, Commissioner Hamlin, Commissioner Martinez, Commissioner Yee, Second Vice-President Story and President Colbruno

Absent: **1** - First Vice-President Butner

6.2 Ordinance: Approval of an Airline Operating Agreement with Iberia Lineas Aereas de España, S.A. Operadora doing business as LEVEL, Operating at Oakland International Airport. **(Aviation)**

File ID: [\[112-17\]](#)

Aviation Director, Bryant Francis, introduced Item 6.2.

A motion was made by Commissioner Martinez, seconded by Commissioner Hamlin, that the Ordinance be approved. The motion carried by the following vote:

Ayes: 6 - Commissioner Cluver, Commissioner Hamlin, Commissioner Martinez, Commissioner Yee, Second Vice-President Story and President Colbruno

Absent: 1 - First Vice-President Butner

- 6.3 Ordinance:** Approval of a Space/Use Permit with Airport Terminal Services, Inc. Operating at Oakland International Airport. **(Aviation)**

File ID: [\[111-17\]](#)

Aviation Director, Bryant Francis, introduced Item 6.3.

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

Ayes: 6 - Commissioner Cluver, Commissioner Hamlin, Commissioner Martinez, Commissioner Yee, Second Vice-President Story and President Colbruno

Absent: 1 - First Vice-President Butner

- 6.4 Ordinance:** Approval of Space Assignment Agreement with TraPac, LLC for Land at Berth 24, with Modifications to Certain Standard Terms of Agreement **(Maritime)**

File ID: [\[136-17\]](#)

Maritime Director, John Driscoll, introduced Item 6.4.

A motion was made by Commissioner Yee, seconded by Commissioner Martinez, that the Ordinance be approved. The motion carried by the following vote:

Ayes: 6 - Commissioner Cluver, Commissioner Hamlin, Commissioner Martinez, Commissioner Yee, Second Vice-President Story and President Colbruno

Absent: 1 - First Vice-President Butner

- 6.5 Ordinance:** Approval of a License and Concession Agreement with Ray Hayame, dba Nisei Plastics for Approximately 3,750 Square Feet of Building Space Located at 7721 Oakport Street, Oakland, CA for a One (1) Year Term. **(CRE)**

File ID: [\[125-17\]](#)

Commercial Real Estate Director, Pamela Kershaw, introduced Item 6.5.

A motion was made by Commissioner Yee, seconded by Commissioner Hamlin, that the Ordinance be approved.. The motion failed by the following vote:

Ayes: 6 - Commissioner Cluver, Commissioner Hamlin, Commissioner Martinez, Commissioner Yee, Second Vice-President Story and President Colbruno

Absent: 1 - First Vice-President Butner

- 6.6 Ordinance:** Amendment of Port Ordinance No. 867 to Add A New Section and Create One Civil Service Exempt Classification and to Assign such Classification to an Existing Salary C Legal Assistant I - Records Management, Salary Grade 94. **(Finance & Admin)**

File ID: [\[092-17\]](#)

Chief Financial Officer, Sara Lee, introduced Item 6.6.

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

Ayes: 6 - Commissioner Cluver, Commissioner Hamlin, Commissioner Martinez, Commissioner Yee, Second Vice-President Story and President Colbruno

Absent: 1 - First Vice-President Butner

7. UPDATES/ANNOUNCEMENTS

President Colbruno announced the Port's recognition of Asian Heritage Month. Former Vice-Mayor and Port Commissioner, Henry Chang reported on his friend and colleague Herbert Eng, who served as the Port's first Asian Port Commissioner from 1979 to 1988.

Amy Tharpe announced that the Port had earned a recognition from Earn & Learn East Bay for the Port's participation in the Mayor's Summer Jobs Program for students.

8. SCHEDULING

There were no Scheduling Items on the Agenda.

OPEN FORUM

There were no speakers in Open Forum.

ADJOURNMENT

There being no additional business, the Meeting was adjourned at the hour of 6:1 p.m.

June 8, 2017.

John Betterton
Secretary of the Board
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