



MINUTES

Thursday, September 28, 2017

Board Room – 2nd Floor

ROLL CALL

President Story called the meeting to order at the hour of 1:05 p.m. and the following Commissioners were in attendance:

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

Excused: **1** - Commissioner Earl Hamlin

1. CLOSED SESSION

President Story convened the Board in Closed Session at 1:07 p.m. to hear the following Items:

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

Property: Berths 35-38, Port of Oakland

Negotiating Parties: Everport Terminal Services, Inc. and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Price and Terms of Lease

Property: Oakland International Container Terminal (Berths 55-59) - 1717 Middle Harbor Road and Matson Terminal (Berths 60-63) - 1579 Middle Harbor Road, Port of Oakland

Negotiating Parties: SSA Terminals, LLC and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Price and Terms of Payment

File ID: [287-17]

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 Matters ~~2~~ **1**

West Oakland Environmental Indicators Project Title VI Complaint: DOT#2017-0093, EPA File Nos. 13R-17-R9 (City of Oakland) and 14R-17-R9 (Board of Port Commissioners and Port of Oakland)

PULLED: ~~Material Management Plan Site at Oakland International Airport~~

File ID: [288-17]

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

File ID: [289-17]

- 1.4 CONFERENCE WITH LABOR NEGOTIATORS** (Pursuant to California Government Code Section 54956.6):

- International Federation of Professional and Technical Engineers, Local 21; Service Employees International Union, Local 1021; Western Council of Engineers; International Brotherhood of Electrical Workers, Local 1245

File ID: [290-17]

- 1.5 PUBLIC EMPLOYMENT** (Pursuant to California Government Code Section 54957):

- Secretary of the Board

File ID: [291-17]

OPEN SESSION/ROLL CALL

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

Excused: 1 - Commissioner Earl Hamlin

CLOSED SESSION REPORT

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

7. UPDATES/ANNOUNCEMENTS

Executive Director, Chris Lytle, Director of Aviation, Bryant Francis and Director of Engineering, Chris Chan, announced the completion of the new runway at Oakland International Airport and thanked staff for all of their hard work.

2. CONSENT ITEMS

Acting Board Secretary, Daria Edgerly, introduced the Consent Items.

A motion was made by Commissioner Colbruno, seconded by First Vice-President Butner, to approve the Consent Agenda. The motion carried unanimously.

- 2.1 Ordinance 4435**, 2nd Reading Of An Ordinance Approving Sixth Supplemental Lease Agreement With The United States Of America, Department Of Transportation, Federal Aviation Administration At Oakland International Airport To Extend Occupancy For Ten Years And For No Monetary Consideration. **(Board)**

File ID: [\[280-17\]](#)

This Ordinance was approved.

- 2.2 Ordinance 4436**, 2nd Reading Of An Ordinance Authorizing And Approving A First Amendment To The Lease With U.S. Customs And Border Protection For Office And Land Space At 700 Maritime Street Within The Port Area. **(Board)**

File ID: [\[281-17\]](#)

This Ordinance was approved.

- 2.3 Ordinance 4437**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Lease Amendment With Backyard Oakland, LLC To Allow A One Time Rent Payment Schedule Adjustment For Property Located At Oak Street And Embarcadero Road In Oakland. **(Board)**

File ID: [\[282-17\]](#)

This Ordinance was approved.

- 2.4 Ordinance 4438**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into A 15-Month Temporary Rental Agreement With Pacific Gas & Electric ("PG&E") For Construction Staging At Livingston Street And Embarcadero Road, Oakland, California. **(Board)**

File ID: [\[283-17\]](#)

This Ordinance was approved.

- 2.5 Ordinance 4439**, 2nd Reading Of An Ordinance Approving Space/Use Permit With Total Airport Services, LLC Operating At Oakland International Airport For A Term Of Approximately Five Years With An Estimated Annual Revenue Of \$376,000. **(Board)**

File ID: [\[284-17\]](#)

This Ordinance was approved.

- 2.6 Ordinance 4440**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To: (1) Extend The Lease With SSA Terminals (Oakland), LLC For An Approximately 14 Acre Parcel In The Roundhouse Area Through April 15, 2018; (2) Extend The Temporary Assignment By SSA Terminals, LLC Of An Approximately 19 Acre Parcel From The Berths 60 63 Marine Terminal To SSA Terminals (Oakland), LLC At The Berths 55 59 Marine Terminal Through

April 15, 2018; And (3) Waive \$67,470 In Charges Owed By Matson Navigation Company, Inc. For The Use Of Howard Terminal From May 1, 2017 Through June 2, 2017. **(Board)**

File ID: [\[285-17\]](#)

This Ordinance was approved.

- 2.7 Ordinance 4441**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute An Amendment To The License And Concession Agreement With United Parcel Service, Inc. To Expand From Approximately 3.5 Acres To 6.5 Acres The Premises Located At The Southwest Corner Of Doolittle Drive And Swan Way, Oakland. **(Board)**

File ID: [\[286-17\]](#)

This Ordinance was approved.

- 2.8 Minutes:** Approval of the Minutes of the Special Meeting of September 5, 2017.

File ID: [\[271-17\]](#)

This Minutes was approved.

3. MAJOR PROJECTS

- 3.1 Resolution 17-99:** Authorize: A Project Budget Increase of \$443,000 for the Airport Perimeter Dike (APD) Improvement Project; Execution of a Sixth Supplemental Agreement with URS Corporation/AECOM for an additional \$220,000 for Engineering Design and Construction Support Services for the Phase 1 Implementation of the APD Improvement Project; and Purchase up to \$1,235,000 of Wetland Mitigation Credits. **(Aviation)**

File ID: [\[270-17\]](#)

Aviation Director, Bryant Francis, introduced Item 3.1.

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

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

Excused: **1 -** Commissioner Hamlin

- 3.2 Resolution 17-100:** Approve Additional Project Budget of \$7.1 million; Delegate Authority to Approve Plans, Specifications, and Project Manual to the Director of Engineering; and Authorize the Executive Director to Enter into a Contract with Oliver DeSilva, Inc. DBA Gallagher and Burk, Inc. in the amount of \$10,987,390 for the Rail Infrastructure at the Maritime Support Center ("MSC") Oakland, California Project. **(Engineering/Maritime)**

File ID: [\[240-17\]](#)

Maritime Director, John Driscoll, and Engineering Director, Chris Chan, presented Item 3.2.

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

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

Excused: **1 -** Commissioner Hamlin

- 3.3 Resolution 17-101:** Approve and Authorize the Executive Director to Enter Into a Supplemental Industry Track Agreement with the Union Pacific Railroad Company to Construct, Maintain, and Operate Additional Track Necessary to Provide Rail Service to Cool Port Oakland, LLC and Unicold Corporation at the Maritime Support Center at a Cost of \$158,000. **(Maritime)**

File ID: [\[274-17\]](#)

Maritime Director, John Driscoll, introduced Item 3.2.

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

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

Excused: **1 -** Commissioner Hamlin

4. BUDGET & FINANCE

There were no Budget & Finance Items to approve.

5. STRATEGY & POLICY

- 5.1 Ordinance:** Amending and Restating Rules and Regulations for Oakland International Airport, Including Amendments to Transportation Network Company ("TNC") Provisions and Ground Transportation Fees To Be Effective January 1, 2018, and Extending TNC Commercial Ground Transportation Non-Exclusive Operating Permits with Rasier-CA, LLC (dba Uber), Lyft, Inc., and Tickengo, Inc. (dba Wingz) Through December 31, 2017. **(Aviation)**

File ID: [\[279-17\]](#)

Aviation Director, Bryant Francis, introduced Item 5.1.

Kristi McKenney, Assistant Aviation Director, presented Item 5.1.

A motion was made by Commissioner Yee, seconded by Commissioner Martinez, to approve the Ordinance as amended be approved. The motion failed by the following vote:

Ayes: 3 - Commissioner Martinez, Commissioner Yee and President Story

Noes: 3 - Commissioner Colbruno, Second Vice-President Cluver and First Vice-President Butner

Excused: 1- Commissioner Hamlin

A motion made by Commissioner Colbruno, seconded by Second Vice-President Cluver, to table the item and bring it back to the next meeting be approved. The motion carried by the following vote:

Ayes: 5 - Commissioner Colbruno, Commissioner Martinez, Commissioner Yee, Second Vice-President Cluver and First Vice-President Butner

Noes: 1 - President Story

Excused: 1- Commissioner Hamlin

Phil Ybarrolaza, Stephen Hartley and Ignacio De LaFuente addressed the Board.

This Ordinance was tabled.

- 5.2 **PULLED:** ~~Ordinance and Resolution: Approve and Authorize Executive Director to Enter Into a Ground Lease with CenterPoint Oakland Development I, LLC, for the Design, Construction, Finance, Operation (including sublease), and Maintenance of a Transload and Distribution Facility, On Approximately 27 Acres of Land on the Former Oakland Army Base, with a Term of 66 Years and Initial Fixed Rent of Approximately \$1.3 million per Year; Make Findings and Determination Pursuant to the California Environmental Quality Act; Approve a Budget of \$1-million for Certain Utility-Related Expenditures; and Approve the Operations Jobs Policy for Inclusion in the Ground Lease (Maritime)~~

File ID: [\[249-17\]](#)

This Ordinance was pulled.

- 5.3 **PULLED:** ~~Resolution: Cooperation Agreement Among the Port of Oakland and Specified Oakland Community Based Organizations for the Seaport Logistics Project (SRD)~~

File ID: [\[252-17\]](#)

This Resolution was pulled.

- 5.4 Ordinance 4442:** Approve and Authorize the Executive Director to Enter Into a First Supplemental Agreement with TraPac, LLC, for the Berths 25-33 Marine Terminal, to Modify Compensation, Capital Improvement Obligations, and Other Terms, Resulting in Minimum Annual Average Rent of \$17.6 Million **(Maritime)**.

File ID: [\[273-17\]](#)

Maritime Director, John Driscoll, introduced Item 5.4.

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

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

Excused: 1 - Commissioner Hamlin

6. REMAINING ACTION ITEMS

- 6.1 Resolution 17-102:** Authorize: a Construction Budget of \$3,845,000, the Director of Engineering to Approve Plans and Project Manual, and Award of the Construction Contract to SilMan Construction, Inc. for \$2,834,793.09 for the Terminal 1 Electric Ground Service Equipment Charging Stations Project, Oakland International Airport. **(Aviation)**

File ID: [\[268-17\]](#)

Aviation Director, Bryant Francis, introduced Item 6.1.

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

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

Excused: 1 - Commissioner Hamlin

- 6.2 Resolution 17-103:** Delegation of Authority to the Executive Director (1) to Enter into a Purchase Agreement with Creative Bus Sales, Inc. to Procure Nine (9) 32-foot Ford El Dorado Cutaway Minibuses at a Cost Not to Exceed \$1,484,000, and (2) to Designate and Dispose of as Surplus ~~43~~ 10 Existing Shuttle Buses from the Airport's Fleet. **(Aviation)**

File ID: [\[267-17\]](#)

Aviation Director, Bryant Francis, introduced Item 6.2.

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

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

No: 1 - Second Vice-President Cluver

Excused: 1 - Commissioner Hamlin

6.3 Ordinance 4443: Amendment of Port Ordinance No. 867 to Add One New Classification and to Assign the Classification to Existing Salary Grade: Workforce Development Manager - Salary Grade 543.7. **(Finance & Admin)**

File ID: [\[110-17\]](#)

Human Resources Director, Christopher Boucher, introduced Item 6.3.

A motion was made by Second Vice-President Cluver, seconded by First Vice-President Butner, that the Ordinance be introduced on first reading.. The motion carried by the following vote:

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

Excused: 1 - Commissioner Hamlin

7. UPDATES/ANNOUNCEMENTS

Director of Aviation, Bryant Francis and President Story reported on the 23rd World Route Development Forum 2017 they attended in Barcelona in September.

Commissioner Colbruno announced and congratulated Former Commissioner Bryan Parker on being appointed as the CEO of Doubledutch a Live Engagement Marketing Company.

Director of Commercial Real Estate, Pam Kershaw, announced that this year's Eat Real Festival had the highest number of attendees.

8. SCHEDULING

There were no "Scheduling Items" on the Agenda.

OPEN FORUM

The following members of the Public addressed the Board in Open Forum:

Kaz Kajimura addressed the Board.

PAGE BRAKE

ADJOURNMENT

There being no additional business, the Meeting was adjourned at the hour of 5:47 p.m.

Approved:

Daria Edgerly
Acting Secretary of the Board