



PORT OF OAKLAND

*530 Water Street
Oakland, California 94607
510.627.1696*

Minutes

Thursday, November 9, 2017

3:30 PM

Board Room – 2nd Floor

www.portofoakland.com

ROLL CALL

President Butner called the meeting to order at the hour of 1:02 p.m. and the following Commissioners were in attendance:

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

Excused: **1** - President Joan Story

1. CLOSED SESSION

President Butner convened the Board in Closed Session at 1:04 p.m. to hear the following Items:

President Story arrived at the meeting at 1:06 p.m.

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: 7719 Oakport Street, Oakland, California

Negotiating Parties: Digital Design Communications, California General Services and Port of Oakland

Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate

Under Negotiation: Price and Terms of Tenancy

File ID: [343-17]

1.2 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 Matter 1

File ID: [345-17]

1.3 THREAT TO PUBLIC SERVICES OF FACILITIES - (Pursuant to California Government Code Section 54957(a)):

Consultation with: David Von Damm, TSA Federal Security Director Douglas Mansel, Port of Oakland, Aviation Security Manager

File ID: [344-17]

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: [346-17]

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

- Executive Director
- Port Attorney

File ID: [347-17]

OPEN SESSION/ROLL CALL

President Story reconvened the Regular Meeting of November 9, 2017 to order at the hour of 3:35 p.m.

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

CLOSED SESSION REPORT

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

2. CONSENT ITEMS

Board Secretary, Daria Edgerly, introduced the Consent Items.

A motion was made by First Vice-President Butner, seconded by Commissioner Martinez, to approve the Consent Agenda. The motion carried by the following vote:

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

2.1 Resolution: Approval of a Transfer of Lease from Dealey, Renton & Associates to AssuredPartners, Inc. for the Premises Located at 530 Water Street, 7th floor, Oakland **(CRE)**

File ID: [\[336-17\]](#)

This Resolution was approved.

- 2.2 Building Permit:** for Pacific Layberthing South, LLC for Utility and Dock Improvements at Berths 20/21 **(Engineering)**

File ID: [\[341-17\]](#)

This Resolution was approved.

- 2.3 Ordinance 4447,** 2nd Reading OF An Ordinance Approving And Authorizing The Executive Director To Enter Into A First Amendment To License And Concession Agreement With Brotzeit-Lokal, LLC To Extend The Term An Additional Five Years At A Monthly Rental Rate Of \$4,753 For Premises At 1000 Embarcadero Road, Oakland, California. **(Board)**

File ID: [\[342-17\]](#)

This Ordinance was approved.

- 2.4 Minutes:** Approval of the Minutes of the Regular Meeting of October 12, 2017. **(Board)**

File ID: [\[340-17\]](#)

The Minutes were approved.

3. MAJOR PROJECTS

There were no "Major Projects" on the Agenda.

4. BUDGET & FINANCE

- 4.1 Resolution:** Approval to Reimburse the City of Oakland for General Services and Lake Merritt Trust Services Rendered in Fiscal Year 2016-17. **(Finance & Admin)**

File ID: [\[294-17\]](#)

Chief Financial Officer, Sara Lee, introduced Item 4.1.

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

5. STRATEGY & POLICY

- 5.1 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/Seaport Logistics Complex,

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: [\[350-17\]](#)

Maritime Director, John Driscoll, introduced Item 5.1.

Beth Frisher, Business Development Manager, presented Item 5.1.

Andy Garcia, Agustin Ramirez, Christopher Christen, John Jones III, E.J. Pavia, Jahmese Myres, Ryan Murphy, John Coleman, Damian Breen and Adenike Adeyeye addressed the Board.

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

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

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

File ID: [\[348-17\]](#)

Social Responsibility Director, Amy Tharpe, introduced Item 5.2.

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

5.3 Report: Port's Non-Discrimination Policy to Increase Local Small Business Participation (SRD)

File ID: [\[323-17\]](#)

Social Responsibility Director, Amy Tharpe, presented Item 5.3.

This Report was received and filed.

6. REMAINING ACTION ITEMS

6.1 Ordinance: Authorize the Executive Director to Execute a 2-year Extension, with Three 1-Year Options to Extend, to Each of the Lease Agreements with Impact Transportation LLC for Buildings 805, 806 and 807, Port Transfer Inc. for Building 804, and Pacific Coast Container, Inc. for

Building 803, All Buildings Located at the Former Oakland Army Base, Resulting in Approximately \$4.2 Million of Average Annual Revenue **(Maritime)**

File ID: [\[338-17\]](#)

Maritime Director, John Driscoll, introduced Item 6.1.

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

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

- 6.2 Ordinance:** Approval of a 10% Increase to Target Rental Rates for Short Term Rental Agreements and a 4% Increase to Holdover Rental Rates for Certain Existing Property Rental Agreements with the Commercial Real Estate Division Portfolio **(CRE)**

File ID: [\[337-17\]](#)

Commercial Real Estate Director, Pam Kershaw, introduced Item 6.2.

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

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

- 6.3 Resolution:** Approve and Authorize the Executive Director to Extend the Agreement with Mercury Technology Group, Inc. for Oracle Enterprise Resource Planning Hosting Services for Approximately 5 Years in the Amount Not to Exceed \$1,154,934; and Waive Formal Competitive Procurement Procedures. **(Finance & Admin.)**

File ID: [\[277-17\]](#)

Chief Financial Officer, Sara Lee, introduced Item 6.3.

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

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

7. UPDATES/ANNOUNCEMENTS

President Story, Executive Director, Chris Lytle, and Director of Maritime, John Driscoll reported on their recent trip to Asia.

8. SCHEDULING

8.1 **Resolution:** Adopting the Regular Board Meeting Schedule for Calendar Year 2018. **(Board)**

File ID: [\[339-17\]](#)

Board Secretary, Daria Edgerly, introduced the Item 8.1.

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

OPEN FORUM

There were no Public Speakers in Open Forum.

ADJOURNMENT

There being no additional business, the Meeting was adjourned at the hour of 5:24 p.m.

Approved:

Daria Edgerly
Secretary of the Board