



PORT OF OAKLAND

*530 Water Street
Oakland, California 94607
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Minutes

Thursday, May 24, 2018

4:00 PM

Board Room – 2nd Floor

www.portofoakland.com

ROLL CALL

President Story called the Regular Meeting of May 24, 2018 to order at the hour of 1:02 p.m. and the following Commissioners were in attendance:

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

1. CLOSED SESSION

Bob Britton and Sharon Jenkins addressed the Board on Item 1.3.

President Story convened the Board in Closed Session at 1:14 p.m. to hear the following Items:

1.1 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 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)

File ID: [179-18]

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: [180-18]

1.3 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: [182-18]

1.4 PUBLIC EMPLOYMENT - (Pursuant to California Government Code Section 54957)

Title: Chief Auditor

File ID: [185-18]

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

Property: One Market Street, Oakland, CA (Howard Terminal)

Negotiating Parties: Oakland Athletics and Port of Oakland

Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate

Under Negotiation: Price and Terms of Tenancy

~~**PULLED** Property: Howard Terminal, Berth 67-~~

~~**Negotiating Parties:** Central Concrete, Inc. and Port of Oakland~~

~~**Agency Negotiator:** John Driscoll, Director of Maritime~~

~~**Under Negotiation:** Price and Terms of Payment~~

Property: Approximately 2 acres of submerged land adjacent to a pier on real property commonly referred to as 1101 Embarcadero West, located adjacent to the southerly side of Embarcadero West Street and adjacent to the westerly boundary of Howard Terminal

Negotiating Parties: Schnitzer Steel Industries, Inc. and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Price and Terms of Payment

File ID: [181-18]

OPEN SESSION/ROLL CALL

President Story reconvened the Regular Meeting of May 24, 2018 to order at the hour of 4:00 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 the following action in Closed Session at a previous meeting held on October 26, 2017:

A motion made by Commissioner Yee, seconded by Commissioner Martinez, to approve Resolution 17-108. The motion carried by the following vote:

Ayes: Commissioners Cluver, Colbruno, Hamlin, Martinez, Yee and President Story - 6

Excused: Commissioner Butner - 1

Resolution 17-108: Resolution Approving and Authorizing Settlement in the Workers' Compensation Appeals Board Matter, Case No. ADJ10177318, Port Employee No. 400542 V. Port Of Oakland.

2. CONSENT ITEMS

There was a motion by Vice-President Cluver, seconded by Vice-President Butner to move Items 6.3 and 6.5 to the Consent Items.

Board Secretary, Daria Edgerly, introduced the Consent Items.

Savlan Hauser addressed the Board on the Consent Item 2.4.

A motion was made by Commissioner Colbruno, seconded by Commissioner Yee, 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 Ordinance:** Approval of Amendment No. 2 to Space Use Permit with Boingo Wireless, Inc. to provide Wireless Internet Access at Oakland International Airport for an Extended Six Month Term Expiring December 31, 2018 and Generating \$62,500 in Rental Revenue for the Term. **(Aviation)**

File ID: [\[145-18\]](#)

This Ordinance was introduced on first reading.

- 2.2 Resolution:** Approve and Authorize Executive Director to Execute a Six-Month Extension of the Airport Shuttle Fleet Maintenance Agreement with Kelly's Truck Repair of San Leandro, to December 31, 2018, for an Amount Not to Exceed \$165,000 **(Aviation)**

File ID: [\[157-18\]](#)

This Resolution was approved.

- 2.3 Ordinance:** Approve and Authorize the Executive Director to Execute an Amendment of the License and Concession Agreement for the Premises Located at 8407 Edgewater Drive, Oakland to Assign the Agreement from J.W.P. Lenders Corporation to Fast Auto Loans, Inc. and to Add an Administrative Fee for Future Transfers. **(CRE)**

File ID: [\[172-18\]](#)

This Ordinance was introduced on first reading.

- 2.4 Resolution:** Approval of the Draft Port Share Plan for the Jack London Improvement District for Fiscal Year 2018 in the amount of \$122,122.92. **(CRE)**

File ID: [\[167-18\]](#)

This Resolution was approved.

- 2.5 Resolution:** Approve and Authorize the Executive Director to Consent to the Assignment of the Contract for Port Website Services with VNM Group, Inc. (dba Ciniva Web Agency) to Ciniva LLC. **(Finance & Admin)**

File ID: [\[160-18\]](#)

This Resolution was approved

- 2.6 Minutes:** Approval of the Minutes of the Regular Meeting of April 12, 2018. **(Board)**

File ID: [\[166-18\]](#)

The Minutes were approved.

- 6.3 Resolution:** Additional Budget Authorization of \$130,000 for the Design of Lift Station No. 2 Capital Improvements, Oakland International Airport **(Aviation/Engineering)**

File ID: [\[159-18\]](#)

This Resolution was approved.

- 6.5 Resolution:** Approval of a Second Supplemental Agreement with Orion Engineers and Associates, PLLC for Construction Management Services for the Runway 12-30 Rehabilitation Project in an Additional Amount of \$249,000, for a Maximum Not-to-Exceed Contract Amount of \$4,149,000 and Extend the Terms of the Contract to September 30, 2018. **(Engineering)**

File ID: [\[136-18\]](#)

This Resolution was approved.

3. MAJOR PROJECTS

There were no "Major Projects" on the Agenda.

4. BUDGET & FINANCE

- 4.1 Report:** Unaudited Financials for 9 months ended March 31, 2018 including Capital Expenditure Report. **(Finance & Admin)**

File ID: [\[067-18\]](#)

Chief Financial Officer, Sara Lee, presented Item 4.1.

This Report was received and filed.

5. STRATEGY & POLICY

There were no Strategy & Policy Items to approve.

6. REMAINING ACTION ITEMS

- 6.1 Ordinance:** Approve Amendment No. 3 to Space/Use Permit for Non-Exclusive In Terminal Advertising Concession with Clear Channel Outdoor dba Clear Channel Airports to Extend the Term on a Month-to-Month Basis until March 31, 2019 with Guaranteed Monthly Revenue of \$35,000; and Authorize Director of Aviation to Enter into such Amendment with Clear Channel. (1 Airport Drive) **(Aviation)**

File ID: [\[149-18\]](#)

Aviation Director, Bryant Francis, introduced Item 6.1.

Brandon Mark, Manager of Airport Properties, presented Item 6.1.

A motion was made by Commissioner Colbruno, seconded by Second Vice-President Cluver, that the Ordinance be introduced on first reading. 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

Resolution: Approval of Additional \$903,000 in Project Budget Authorization for the Construction of Checked Baggage Inspection System to Support Explosives Detection System Recapitalization at Terminal 2, Oakland International Airport **(Aviation/Engineering)**

File ID: [\[135-18\]](#)

Aviation Director, Bryant Francis, introduced Item 6.2.

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

- 6.4 Resolution:** (1) Approve Budget of \$1,100,000 for Design, Preconstruction Services, and Port Labor for the Terminal 1 Restroom Renovation Project (2) Approve Budget of \$700,000 for Design, Preconstruction Services, and Port Labor for the Moving Walkways Removal and Restoration Project. **(Aviation/Engineering)**

File ID: [\[168-18\]](#)

Aviation Director, Bryant Francis, introduced Item 6.4.

Daniel Pruim, Aviation Project Manager, addressed the Board's questions on Item 6.4.

A motion was made by First Vice-President Butner, seconded by Commissioner

Hamlin, 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

- 6.6 Resolution:** Authorize the Executive Director to Enter into an On-Call Demolition Design Service Contract with AE3 Partners, Inc. for an amount not to exceed \$1,500,000, at the Oakland International Airport (OAK). **(Aviation/Engineering)**

File ID: [\[147-18\]](#)

Rob Andrews, Port Principal Engineer, introduced Item 6.6.

A motion was made by First Vice-President Butner, seconded by Commissioner Hamlin, 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

- 6.7 Resolution:** (1) Authorization to the Executive Director to Exercise the Option, Negotiate and Execute a Change Order to the Agreement with Turner Construction Company for Pre-Construction, Equipment Procurement, and Construction Manager at Risk (CM@R) Service Associated with Terminal Improvement Projects at OAK for an Amount Not to Exceed \$3,000,000 and (2) Authorization for the Executive Director to Execute a Supplemental Agreement with MWA Architects to Provide Design Professional Services for an Amount Not to Exceed \$2,000,000. **(Aviation/Engineering)**

File ID: [\[150-18\]](#)

Rob Andrews, Port Principal Engineer, introduced Item 6.7.

A motion was made by First Vice-President Butner, seconded by Commissioner Hamlin, 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

- 6.8 Ordinance:** Approve and Authorize the Executive Director to Amend (1) the Non-Exclusive Preferential Assignment Agreements ("NEPAAs") with SSA Terminals (Oakland), LLC for the Oakland International Container Terminal Berths 55-59; (2) the NEPAA with SSA Terminals, LLC for the Matson Terminal Berths 60-63; and (3) the Agreement Regarding Combined Compensation at Berths 55-56 and Berths 57-59 Marine Terminals with SSA Terminals (Oakland), LLC; Resulting in Annual Fixed Rent Ranging from Approximately \$67.6 million to \$74.9 million and Annual Variable Rent Ranging from Approximately \$20.0 million to \$37.2 million for a Term Through June 2032 **(Maritime)**

File ID: [\[173-18\]](#)

Maritime Director, John Driscoll, introduced Item 6.8.

Eric Napralla, Sr. Maritime Projects Administrator, presented Item 6.8.

Jim Rice addressed the Board on Item 6.8.

A motion was made by Commissioner Yee, seconded by Commissioner Colbruno, that the Ordinance be introduced on first reading. 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

- 6.9 Resolution:** Approve Project Budget of \$1,200,000; Delegate Authority to Approve Plans and Project Manual to the Director of Engineering; and Authorize the Executive Director to Enter into a Contract with O.C. Jones & Sons, Inc. in the amount of \$866,100 for the Embarcadero Road Rehabilitation Project. **(Engineering)**

File ID: [\[124-18\]](#)

Rob Andrews, Port Principal Engineer, introduced Item 6.9.

Tony Chu, Port Associate Engineer, presented Item 6.9.

A motion was made by Commissioner Yee, seconded by Commissioner Colbruno, 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

- 6.10 Resolution and Ordinance:** Adoption of a Resolution to Approve the Terms and Conditions of Employment and Certain Benefits as Set Forth in the Memorandum of Understanding between the Port of Oakland and Service Employees International Union, Local 1021 for the period January 1, 2018 through June 30, 2022 ("successor MOU") and Enactment of An Ordinance to Amend Port Ordinance No. 867 to Set the Salaries and Certain Benefits as set forth in the successor MOU. **(Finance & Admin)**

File ID: [\[174-18\]](#)

Acting Human Resources Director, Michael Mitchell, introduced Item 6.10.

Millie Cleveland addressed the Board on Item 6.10.

A motion was made by Second Vice-President Cluver, seconded by Commissioner Yee, that the Resolution be approved and the Ordinance be introduced on first

reading. 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

There were no Updates or Announcements at the meeting.

8. SCHEDULING

There were no "Scheduling Items" on the Agenda.

OPEN FORUM

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

Tiffany Miller

ADJOURNMENT

There being no additional business, the Meeting was adjourned at the hour of 5:07 p.m.

Approved:

Daria Edgerly
Secretary of the Board