



PORT OF OAKLAND

*530 Water Street
Oakland, California 94607
510.627.1337*

Minutes

Thursday, November 29, 2018

4:00 PM

Board Room – 2nd Floor

www.portofoakland.com

ROLL CALL

President Butner called the Regular Meeting of November 29, 2018 to order at the hour of 1:02 p.m. and the following Commissioners were in attendance:

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

1. CLOSED SESSION

John McLaurin addressed the Board on Item 1.1.

President Butner convened the Board in Closed Session at 1:06 p.m. to hear the following Items:

1.1 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

Property: Rail yard located directly east of Maritime Street, parallel to I-880, on the former Oakland Army Base property owned by the Port, Oakland, CA

Negotiating Parties: West Oakland Pacific Railroad LLC and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Price and Terms of Tenancy

File ID: [363-18]

1.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - (Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9):

Wilson Kung v. Port of Oakland; WCAB Case No. ADJ10752533

File ID: [364-18]

1.3 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 3**

File ID: [365-18]

1.4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION - (Pursuant to California Government Code Section 54957)

- Secretary of the Board

File ID: [366-18]

OPEN SESSION/ROLL CALL

President Butner called the Regular Meeting of November 29, 2018 to order in Open Session at the hour of 4:10 p.m.

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

CLOSED SESSION REPORT

Acting Port Attorney, Michele Heffes, announced Commissioner Lee recused himself from the following Items due to a potential financial conflict and was not in the room and took no part in the discussion or deliberation of the items.

1.1 Conference with Real Property Negotiator - (Pursuant to California Government Code Section 54956.85)

Property: Rail yard located directly east of Maritime Street, parallel to I-880, on the former Oakland Army Base property owned by the Port, Oakland, CA

Negotiating Parties: West Oakland Pacific Railroad LLC and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Price and Terms of Tenancy

1.3 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 1 of the 3.

Acting Port Attorney, Michele Heffes, reported that the Board had taken the following action in Closed Session:

A motion made by Second Vice-President Colbruno, seconded by Commissioner Lee, to approve Resolution 18-115, Resolution Approving and Authorizing Execution of a Settlement Agreement and Partial Release with Respect to the 205-209 Brush Stret (CNG Facility) Site with Zurich American Insurance Company in the Amount of \$54,000 .

The motion carried by the following vote:

6 Ayes: Commissioner Lee, Commissioner Martinez, Commissioner Story, Second

Vice-President Colbruno, First Vice-President Cluver and President Butner.

CONSENT ITEMS

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

Commissioner Lee recused himself from Item 2.2 due to a potential financial conflict.

A motion was made by Second Vice-President Colbruno, seconded by Commissioner Story, to approve the Consent Agenda. The motion carried by the following vote:

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

- 2.1 Ordinance 4501:** Approval to Extend the Temporary Rental Agreement with the City of Oakland for Emergency Vehicle Access Related to the Reconstruction of the Embarcadero Bridge (Maritime)

File ID: [\[338-18\]](#)

This Ordinance was introduced on first reading.

- 2.2 Ordinance 4502:** Authorize the Executive Director to approve the First Amendment to the Temporary Rental Agreement with West Oakland Pacific Railroad, LLC, to Provide Interim Switching services at the Port's OHIT Phase 1 Yard, for an Initial Term of Six Months through June 30, 2019, with Two, 3-Month Options to Extend; Fixed Compensation of \$5,000 per Calendar Year Quarter; and Variable Compensation of \$125 per Rail Car in Excess of the Breakpoint. (Maritime)

File ID: [\[348-18\]](#)

Commissioner Lee recused himself from Item 2.2 due to a potential financial conflict.

This Ordinance was introduced on first reading.

- 2.3 Ordinance 4503:** Approve and Authorize the Executive Director to Execute a First Amendment to a Temporary Rental Agreement with JLS Oakland Apartments, LLC for Premises Located at the Corner of Embarcadero West and Webster Street for a Monthly Rental Amount of \$1,530.00 and to Extend the Term Through December 31, 2019. (CRE)

File ID: [\[350-18\]](#)

This Ordinance was introduced on first reading.

- 2.4 Ordinance 4504:** Approval of an Extension of a Temporary Rental Agreement with Pacific Gas & Electric Company Through October 31, 2019 for Construction Staging on the Premises Located at Livingston Street and Embarcadero Road at a Monthly Rental Rate of \$6,153 **(CRE)**

File ID: [\[351-18\]](#)

This Ordinance was introduced on first reading.

- 2.5 Minutes:** Approval of the Minutes of the Regular Meeting of October 25, 2018. **(Board)**

File ID: [\[362-18\]](#)

The Minutes were approved.

3. MAJOR PROJECTS

- 3.1 Report:** Board Input on the Selection Process and Evaluation Criteria for Airport Contract Security Guard Services Request for Proposal (RFP) **(Aviation)**

File ID: [\[339-18\]](#)

Aviation Director, Bryant Francis, introduced Item 3.1.

Doug Mansel, Aviation Security Manager, presented Item 3.1,

This Report was received and filed.

- 3.2 Ordinance 4505:** Authorize the Executive Director to Enter into a No-Cost Temporary License Agreement with Alameda County Transportation Commission and Its Selected Contractors from June 1, 2019 through December 31, 2021, with an Option to Extend for an Additional Six Months, for Construction Activities at the Seaport Associated with the Freight Intelligent Transportation System Program. **(Maritime)**

File ID: [\[349-18\]](#)

Chief Wharfinger, Eric Napralla, presented Item 3.2.

A motion was made by Commissioner Story, seconded by Commissioner Martinez, that the Ordinance be introduced on first reading. The motion carried by the following vote:

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

4. BUDGET & FINANCE

There were no Budget & Finance Items to approve.

5. STRATEGY & POLICY

There were no Strategy & Policy Items to approve.

6. REMAINING ACTION ITEMS

- 6.1 **PULLED** ~~Resolution: Amendment to Domestic and International Air Service Incentive Program Available to All Airlines Serving Oakland International Airport Who Have Executed an Airline-Operating Agreement with the Port. (Aviation)~~

File ID: [\[254-18\]](#)

This Resolution was pulled.

- 6.2 **Ordinance 4506:** Approval of Port Staff's Recommended Awardee for the Request for Proposals for Wireless Fidelity Communication and Internet (Wi-Fi) Services at Oakland International Airport; Specifically, Approve a Space/Use Permit for Boingo Wireless, Inc. for Total Projected Rental Revenue of \$17,500 in the First Full Year of Operations (Calendar Year 2019) For a Term of Five Years Through December 31, 2023. **(Aviation)**

File ID: [\[354-18\]](#)

Aviation Director, Bryant Francis, introduced Item 6.2.

Brandon Mark, Manager of Airport Properties, presented Item 6.2.

A motion was made by Commissioner Story, seconded by Commissioner Lee, that the Ordinance be introduced on first reading. The motion carried by the following vote:

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

- 6.3 **Resolution 18-117:** Authorize a Fiscal Year 2019 Capital Equipment Budget of \$5,667,040 to Procure Equipment for Use by the Airport and Seaport; Designate Existing Equipment as Surplus because it is Either Inadequate, Obsolete or Worn-Out and Approve to Sell, Donate, or Dispose of Such Property; Authorize the Executive Director to Procure the Equipment Totaling \$5,667,040 and Award Items over \$250,000 to the Lowest Responsive, Responsible Bidder; and Authorize Single-Source Purchase of Specific Items. **(Aviation/Engineering)**

File ID: [\[227-18\]](#)

Engineering Director, Chris Chan, introduced Item 6.3.

A motion was made by Second Vice-President Colbruno, seconded by First Vice-President Cluver, that the Resolution be approved. The motion carried by the

following vote:

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

- 6.4 Ordinance 4507:** Authorization to Extend Space Assignment Agreements That Have Been in Effect for More Than One Year as of November 29, 2018; Authorization to Extend Space Assignment Agreements That Are Likely To Be in Effect for More Than One Year as of December 31, 2018; Ratification of a Lighting/Utility Assessment Applicable to Certain Existing Space Assignment Agreements in the Roundhouse Property and the Outer Harbor Terminal; and Approval of Such Lighting/Utility Assessment on an Interim Basis for Certain Existing and Future Space Assignment Agreements in the Maritime Area; All Resulting in Annual Revenue of Approximately \$13.7 Million **(Maritime)**

File ID: [\[347-18\]](#)

Chief Wharfinger, Eric Napralla, presented Item 6.4.

A motion was made by Commissioner Story, seconded by Commissioner Martinez, that the Ordinance be introduced on first reading. The motion carried by the following vote:

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

- 6.5 Resolution 18-118:** Adoption of a Resolution to Appoint Ms. Rebecca Haggerty as the Chief Audit Officer at an Annual Salary of \$195,000 per year. **(Finance & Admin)**

File ID: [\[360-18\]](#)

Human Resources Director, Michael Mitchell, introduced Item 6.5.

Rebecca Haggerty addressed the Board on Item 6.5.

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

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

Abstain: **1** - Commissioner Lee

8. SCHEDULING

- 8.1 Resolution 18-119:** Adopting the Regular Board Meeting Schedule for Calendar Year 2019. **(Board)**

File ID: [\[355-18\]](#)

Secretary of the Board, Daria Edgerly, introduced Item 8.1.

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

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

7. UPDATES/ANNOUNCEMENTS

Chief Financial Officer, Sara Lee, announced the following new employees join the Port.

Pamela Trawick, Human Resource Manager, introduced herself to the Board

Kevin Fong, Director of Information Technology, introduced himself to the Board.

Communications Director, Mike Zampa, presented a video announcing the Annual Tree Lighting in Jack London Square.

OPEN FORUM

There were no Public Speakers in Open Forum.

ADJOURNMENT

There being no additional business, the Meeting was adjourned at the hour of 5:01 p.m.

Approved:

Daria Edgerly
Secretary of the Board