



## MINUTES

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Thursday, April 26, 2018

Board Room – 2nd Floor

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### ROLL CALL

President Story called the Regular Meeting of April 26, 2018 to order at the hour of 1:03 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 President Joan Story

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

### 1. CLOSED SESSION

President Story convened the Board in Closed Session at 1:04 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:** Oakland International Container Terminal (Berths 55-56 and Berths 57-59) and Matson Terminal (Berths 60-63 - Port of Oakland)

**Negotiating Parties:** SSA Terminals (Oakland), LLC; SSA Terminals, LLC, and Port of Oakland

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

**Under Negotiation:** Price and Terms of Tenancy

**File ID:** [141-18]

#### 1.2 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:** [142-18]

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

- Chief Audit Officer

**File ID:** [143-18]

### OPEN SESSION/ROLL CALL

President Story reconvened the Regular Meeting of April 26, 2018 to order at the hour of 3:10 p.m.

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

**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, Daria Edgerly, introduced the Consent Items.

**A motion was made by Commissioner Colbruno, seconded by Commissioner Yee, to approve the Consent Agenda. The motion carried by the following vote:**

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

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

- 2.1 Ordinance:** Approval to Amend *Space/Use Permits* with Food & Beverage Concessionaires Andalé Management Group, Inc.; Gotham Foods Two, LLC; and, Host International, Inc. to (i) Extend the Term of Each Permit by Eight (8) Months, (ii) Allow the Tenant Infrastructure Fee Surcharge to Expire, and (iii) Increase the Benefits Fee from 2% on Each Sales Transaction to 3% on Each Sales Transaction; These Three Concessionaires Are Expected to Generate Approximately \$3.5 Million in Rental Revenue During the Extended Term. **(Aviation)**

**File ID:** [\[133-18\]](#)

**This Ordinance was introduced on first reading.**

- 2.2 Resolution:** Approval of the Assignment and Transfer of the Solar Energy Supply and License Agreement Between the Port of Oakland and SunEdison, LLC to SunE H3 Holdings, LLC and Authorizing the Executive Director to Execute the Amendment to the Agreement To Reflect Such

Transfer. **(Engineering)**

File ID: [\[088-18\]](#)

**This Resolution was approved.**

- 2.3 Ordinance 4471**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute With GSC Logistics, Inc. A Second Amendment To Lease For 7,777 Square Feet Of Premises Located At 530 Water Street, 5th Floor, Oakland, (Including A License For 5 Square Feet Of Rooftop Space) And A New License And Concession Agreement For 1,918 Square Feet Of Premises Located At 516 Water Street, Oakland, Both For A Term Of Approximately Five (5) Years And A Combined Monthly Rent Of \$32,090.00.

File ID: [\[139-18\]](#)

**This Ordinance was approved.**

- 2.4 Ordinance 4472**, 2nd Reading OF An Ordinance Approving And Authorizing The Executive Director To Enter Into A Thirty-Three Year Term (With Two Options To Extend) Ground Lease With The East Bay Regional Park District For An Initial Monthly Rent Of \$2,300 For Approximately 1.44 Acres Of Unimproved Lands At 1441-1551 Embarcadero Road, Oakland, California.

File ID: [\[140-18\]](#)

**This Ordinance was approved.**

- 2.5 Minutes:** Approval of the Minutes of the Regular Meeting of March 22, 2018. **(Board)**

File ID: [\[130-18\]](#)

**This Minutes were approved.**

- 2.6 Report:** Report of Appointments, Separations and Leaves of Absence for FY 2017-18, 3rd Quarter (January 1, 2018 - March 31, 2018). **(Finance & Admin)**

File ID: [\[013-18\]](#)

**This Report was received and filed.**

### **3. MAJOR PROJECTS**

There were no "Major Projects" on the Agenda.

### **4. BUDGET & FINANCE**

There were no Budget & Finance Items to approve.

- 4.1 PULLED:** Resolution: Authority to Renew Port of Oakland Insurance Policies Arranged and

~~Paid Through Prime Insurance Brokers Described Herein in an Amount Not to Exceed  
\$4,150,000. (Finance & Admin)~~

File ID: [\[012-18\]](#)

This Resolution was pulled.

## 5. STRATEGY & POLICY

- 5.1 Resolution:** Approving Supplemental Terms And Conditions For The 2018 Food And Beverage Concession Opportunities Request For Proposals Relating To First Referral Source And Non Discrimination Against Applicants With History With Criminal Justice System In The Employment Of Concession Employees **(SRD)**

File ID: [\[138-18\]](#)

Social Responsibility Director, Amy Tharpe, introduced Item 5.1.

John Jones III and Sejal Babari addressed the Board on Item 5.1.

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

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

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

- 5.2 Ordinance:** Ordinance Adopting By Reference Oakland Municipal Code Sections 13.08.590 through 13.08.620 With Modifications and Requiring Port Tenants to Comply with Such Modified Municipal Code Regulations Regarding Private Sewer Laterals. **(Engineering/Legal)**

File ID: [\[075-18\]](#)

Engineering Director, Chris Chan, introduced Item 5.2.

Thanh Vuong, Port Supervising Engineer, presented Item 5.2.

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

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

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

## 6. REMAINING ACTION ITEMS

- 6.1 Resolution:** Budget Authorization of \$490,000 for the Design of Capital Improvements for Airport

12 Ejector Station and Airport 15 Ejector Station Rehabilitation; Budget Authorization of \$433,000 and Authorization for the Director of Engineering to Approve Plans and Project Manual for the Design and Construction of Capital Improvements for Terminal 1 Restroom Sewer Line Repair, Oakland International Airport **(Aviation)**

**File ID:** [\[128-18\]](#)

Aviation Director, Bryant Francis, introduced Item 6.1.

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

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

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

- 6.2 Resolution:** Approve and Authorize the Executive Director to Execute an Exclusive Negotiating Agreement with Athletics Investment Group LLC, dba the Oakland Athletics, a California Limited Liability Company, for a Term of One Year for a Deposit Amount of \$100,000 for Property Located at 1 Market Street, Oakland **(CRE)**

**File ID:** [\[132-18\]](#)

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

Dave Kaval, Denis Ring, Dan Kaney, Obrary Van Burn, Melvin Mackay, Brian Lester, Rob Stoker, Mark Stiefel, John McLaurin, Robert Carr, Jeanette Peoples, Andrew Slivlea, Michael Carilli, John Jones III, Dennis Defreitas, Carl Chan, Aram Cretan, Daniel Gregg, Barbara Leslie, Harold Jones, Jahmese Myers, Miya Saika Chen, Omar Sabeh, Gregg Feeney, Savlan Hauser, Dylin Redling and Brad Butler addressed the Board on Item 6.2.

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

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

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

- 6.3 Resolution:** Approve and Authorize the Executive Director to Execute an Agreement with Davillier-Sloan, Inc. for Maritime and Aviation Project Labor Agreement Consulting Services for a Term of Three (3) Years with Two (2) One-Year Options, in a Total Amount Not to Exceed \$1,177,000 **(SRD)**

**File ID:** [\[134-18\]](#)

Commissioner Hamlin left the meeting at the hour of 4:24 p.m.

Commissioner Cluver recused himself from Item 6.3 due to potential financial interest and was not

in the room and took no part in the discussion or deliberation of the item.

Social Responsibility Director, Amy Tharpe, introduced Item 6.3.

Cleminatu Fields addressed the Board on Item 6.3.

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

**Ayes:**           **4** - Commissioner Colbruno, Commissioner Martinez, Commissioner Yee and President Story

**Excused:**       **2** - Commissioner Hamlin and First Vice-President Butner

**Recused:**       **1** - Second Vice-President Cluver

## **7. UPDATES/ANNOUNCEMENTS**

Social Responsibility Director, Amy Tharpe, announced that the Port participated in the Costal Cleanup on Earth Day.

Communications Director, Mike Zampa, presented a video about the upcoming Dance Festival in Jack London Square.

## **8. SCHEDULING**

There were no "Scheduling Items" on the Agenda.

## **OPEN FORUM**

There were no Public Speakers in Open Forum.

## **ADJOURNMENT**

President Story reconvened the Board in Closed Session at 4:34 p.m. to hear the following Items:

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

- Chief Audit Officer

### **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

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

There being no additional business, the Meeting was adjourned at the hour of 5:36p.m.

Approved: June 14, 2018

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Daria Edgerly  
Secretary of the Board