



## MINUTES

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Thursday, September 13, 2018

Board Room – 2nd Floor

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### ROLL CALL

President Butner called the Regular Meeting of September 13, 2018 to order at the hour of 1:08 p.m. and the following Commissioners were in attendance:

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

### 1. CLOSED SESSION

President Butner convened the Board in Closed Session at 1:10 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:** All Food & Beverage Concessions Units at Oakland International Airport

(approximately 29,000 SF in seventeen locations located throughout the Terminal Complex)

**Negotiating Parties:** Port of Oakland and Potential Awardees of the Four Food & Beverage Concessions Opportunities

**Agency Negotiator:** Bryant L. Francis, Director of Aviation and Brandon J. Mark, Aviation Properties Manager

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

**Property:** Potential Hotel and Restaurant Development Site on Earhart Road on OAK's North Field (approximately 3.86 Acres, 9532 Earhart Road)

**Negotiating Parties:** Port of Oakland and Potential Developers for the Hotel and Restaurant Development Opportunity

**Agency Negotiator:** Bryant L. Francis, Director of Aviation, and Brandon J. Mark, Aviation Properties Manager

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

**File ID:** [289-18]

- 1.2 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - (Initiation of Litigation Pursuant to Paragraph (2) of Subdivision (d) of California Government Code Section 54956.9): Number of Matter 1

**File ID:** [290-18]

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

- Chief Audit Officer
- Assistant Secretary of the Board

**File ID:** [291-18]

## **OPEN SESSION/ROLL CALL**

President Butner called the Regular Meeting of September 13, 2018 to order in Open Session at the hour of 3:00 p.m.

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

## **CLOSED SESSION REPORT**

Port Attorney, Danny Wan, reported that the Board had taken the following action in Closed Session:

**A motion made by Commissioner Martinez, seconded by Commissioner Yee, to approve Resolution 18-95. The motion carried by the following vote:**

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

**Resolution 18-95,** Resolution Approving and Authorizing Execution of a Settlement Agreement and Partial Release with Respect to the Former Mobil Oil Site at Berths 23/24 with Zurich American Insurance Company in the Amount of \$91,000 Covering Certain Environmental Costs Incurred From July 1, 2016, through June 30, 2017.

## **CONSENT ITEMS**

Board Secretary, Daria Edgerly, introduced the Consent Items.

Vice President Colbruno recused himself from Item 2.2 due to a potential financial conflict.

**A motion was made by First Vice-President Cluver, seconded by Commissioner Story,**

**to approve the Consent Agenda. The motion carried by the following vote:**

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

- 2.1 Ordinance 4489:** Approval of a Space/Use Permit with QuickFlight Inc., with Anticipated Annual Revenues of \$16,800, Operating at Oakland International Airport. **(Aviation)**

**File ID:** [\[278-18\]](#)

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

- 2.2 Ordinance 4490:** Approve an Assignment of a License and Concession Agreement from Alta Supply, Inc. to CannRoy Delaware, Inc. and Amendment to the Same License and Concession Agreement to Increase the Performance Deposit, for Premises Located at 424 Pendleton Way, Oakland. **(CRE)**

**File ID:** [\[281-18\]](#)

**This Ordinance was introduced on first reading. Vice-President Colbruno was recused.**

- 2.3 Resolution 18-96:** Approve and Authorize the Executive Director to Execute an Assignment of an Existing Ground Lease and Related Agreements from 10 Clay Street, LLC to Oakland Clay Partners, LLC for Property Located at 10 Clay Street, Oakland. **(CRE)**

**File ID:** [\[282-18\]](#)

**This Resolution was approved.**

- 2.4 Resolution 18-97:** Approve an Increase of \$35,000 for a Maximum Not-To-Exceed Contract Authority of \$592,965 with Oliver de Silva, Inc. dba Gallagher & Burk, Inc. for the Howard Terminal Pavement Repair Project. **(Engineering)**

**File ID:** [\[276-18\]](#)

**This Resolution was approved.**

- 2.5 Resolution 18-98:** Adoption of a Resolution Necessary to Extend the Appointment of Katherine Buckley as the Acting Chief Audit Officer through December 31, 2018, and to Provide Temporary Supplemental Compensation of Six Percent. **(Finance & Admin.)**

**File ID:** [\[277-18\]](#)

**This Resolution was approved.**

- 2.6 Ordinance 4488,** 2nd Reading Of An Ordinance Amending Section 2.07 Of Port Ordinance No. 867 Ratifying And Setting The Compensation Of Employees Of The Port Department Represented By The

Western Council Of Engineers, Amending Section 1.191 Providing Professional Development Benefits For Certain Employees, And Adding Section 1.296 Providing Certain Employees With A One Time Only, Non-Base Building Payment Of \$1500 And Five Days Of Leave In Exchange For Deletion Of Port Performance Premium Pay.

File ID: [\[272-18\]](#)

**This Ordinance was approved.**

- 2.7 Minutes:** Approval of the Minutes of the Regular Meetings of July 12, 2018 and July 26, 2018. (Board)

File ID: [\[283-18\]](#)

**The Minutes were approved.**

### **3. MAJOR PROJECTS**

There were no "Major Projects" on the Agenda.

### **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 Ordinance 4491:** Approval of an Airline Operating Agreement and its Annex "A" Space/Use Permit with Corporate Flight Management, Inc. dba Contour Airlines, with Anticipated Annual Revenues of \$268,000, Operating at Oakland International Airport. **(Aviation)**

File ID: [\[271-18\]](#)

Aviation Director, Bryant Francis, introduced Item 6.1.

**A motion was made by Second Vice-President Colbruno, seconded by Commissioner Martinez, that the Ordinance be introduced on first reading. The motion carried by the following vote:**

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

- 6.2 Resolution 18-99:** Authorize a Budget Increase of \$123,000 for the Design of Security Exit

Improvements at Terminal 2 Near the Bag Claim Exit, Oakland International Airport  
(Aviation/Engineering)

File ID: [\[279-18\]](#)

Aviation Director, Bryant Francis, introduced Item 6.2.

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

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

**6.3 Resolution 18-100:** Finding and Determining That The Port of Oakland's Electrical Lines and Equipment Do Not Create A Significant Risk Of Catastrophic Wildfire. (Engineering)

File ID: [\[286-18\]](#)

Engineering Director, Chris Chan, introduced Item 6.3.

Basil Wong, Utility Business Administrator, presented Item 6.3.

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

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

**6.4 Resolution 18-101:** Approval to Submit an Attestation of the Veracity of the Port's Power Source Disclosure Report and the Power Content Label to the California Energy Commission for Calendar Year 2017. (Engineering)

File ID: [\[274-18\]](#)

Engineering Director, Chris Chan, introduced Item 6.4.

Basil Wong, Utility Business Administrator, presented Item 6.4.

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

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

**6.5 Resolution 18-102 and Ordinance 4492:** 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 the International Federation of Professional and Technical Engineers, Local 21 ("IFPTE Local 21") 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 for Port employees represented by IFPTE Local 21; and, Enactment of an Ordinance to Amend Port Ordinance No. 867 to Set the Salaries and Certain Benefits for Non-Represented Employees in Employee Representation Unit M. **(Finance & Admin)**

**File ID:** [\[273-18\]](#)

Human Resources Director, Michael Mitchell, introduced Item 6.5.

**A motion was made by First Vice-President Cluver, seconded by Commissioner Martinez, that the Resolution be approved and the Ordinance be introduced on first reading. The motion carried by the following vote:**

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

## **7. UPDATES/ANNOUNCEMENTS**

Executive Director, Chris Lytle, and Marilyn Sandifur, Public Relations Specialist, presented a video about Celebrating Our People here at the Port. The first Port Employee featured in the video series was Toby Tatom, Fleet Supervisor.

## **8. SCHEDULING**

There were no "Scheduling Items" on the Agenda.

## **OPEN FORUM**

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

Reva Fabrikant

## **ADJOURNMENT**

President Butner re-convened the Board in Closed Session at 3:30 p.m. to hear the following Items:

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

- Chief Audit Officer
- Assistant Secretary of the Board

There being no additional business, the Meeting was adjourned at the hour of 4:31 p.m.

Approved: October 11, 2018

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Daria Edgerly  
Secretary of the Board