



MINUTES

Thursday, February 14, 2019

Board Room – 2nd Floor

ROLL CALL

President Butner called the Regular Meeting of February 14, 2019 to order at the hour of 1:12 p.m. and the following Commissioners were in attendance:

Present: 7 - Commissioner Yui Hay Lee, Commissioner Barbara Leslie, Commissioner Arabella Martinez, Commissioner Joan Story, 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 1:14 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

File ID: [047-19]

- 1.2 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

File ID: [049-19]

- 1.3 CONFERENCE WITH LABOR NEGOTIATORS** - (Pursuant to California Government Code Section 54957.6).

Employee Organizations: International Federation of Professional and Technical Engineers, Local 21 (IFPTE-Local 21); Services Employees International Union, Western Council of Engineers (WCE); and International Brotherhood of Electrical Workers, Local 1245 (IBEW-Local 1245)

File ID: [051-19]

OPEN SESSION/ROLL CALL

President Butner called the Regular Meeting of February 14, 2019 to order in Open Session at the hour of 3:12 p.m.

Present: 7 - Commissioner Yui Hay Lee, Commissioner Barbara Leslie, Commissioner Arabella Martinez, Commissioner Joan Story, 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 Second Vice-President Colbruno, to approve Resolution 19-06. The motion carried by the following vote:

7Ayes: Commissioner Lee, Commissioner Leslie, Commissioner Martinez, Commissioner Story, Second Vice-President Michael Colbruno, First Vice-President Andreas Cluver and President Butner

Resolution 19-06, Resolution Approving and Authorizing Execution of a Settlement Agreement and Partial Release with Respect to the Berth 32/Matson Terminal Site with Zurich American Insurance Company in the Amount of \$13,500.

CONSENT ITEMS

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

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

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

- 2.1 Ordinance 4511,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into An Eighth Supplemental Agreement Generating Approximately \$3.4 Million Of Average Annual Rent And Extending The Term Through December 31, 2023 And A First Amendment To The Tail Track Operating Agreement To Modify Track Infrastructure With Burlington Northern Santa Fe Railway Company For The Joint Intermodal Facility Which Will Result In A One-Time Expenditure Of \$550,000 Of Port Funds.

File ID: [\[044-19\]](#)

This Ordinance was approved.

- 2.2 Minutes:** Approval of the Minutes of the Regular Meeting of January 24, 2019. **(Board)**

File ID: [\[050-19\]](#)

The Minutes were approved.

3. MAJOR PROJECTS

- 3.1 Resolution 19-07:** Authorize the Executive Director to Enter into a Cooperative Agreement with Alameda County Transportation Commission and Approve \$2,100,000 of Capital Funds for the Development, Construction and Operation of Thirteen (13) Demonstration Projects in the Seaport Associated with the Freight Intelligent Transportation System Program. **(Maritime)**

File ID: [\[040-19\]](#)

Maritime Director, John Driscoll, introduced Item 3.1.

Pia Franzese, Senior Maritime Projects Administrator, presented Item 3.1.

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

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

4. BUDGET & FINANCE

Chief Financial Officer, Sara Lee, introduced Items 4.1 - 4.4.

Julie Lam, Port Controller, presented Items 4.1- 4.4.

- 4.1 Report:** Comprehensive Annual Financial Report for the Years Ended June 30, 2018 and 2017. **(Finance & Admin)**

File ID: [\[011-19\]](#)

This Report was received and filed.

- 4.2 Report:** External Auditor's Report to the Board of Port Commissioners for the Year Ended June 30, 2018. **(Finance & Admin)**

File ID: [\[012-19\]](#)

This Report was received and filed.

- 4.3 Report:** Single Audit, Passenger Facility Charges and Customer Facility Charges Reports for the Year Ended June 30, 2018. **(Finance & Admin)**

File ID: [\[013-19\]](#)

This Report was received and filed.

4.4 Report: Deferred Compensation Plan Audit for Fiscal Year Ended June 30, 2018. **(Finance & Admin)**

File ID: [\[014-19\]](#)

This Report was received and filed.

5. STRATEGY & POLICY

There were no Strategy & Policy Items to approve.

6. REMAINING ACTION ITEMS

6.1 Resolution 19-08: Approve and Authorize the Executive Director to Execute an Agreement with ZDEVCO for Maritime Port Registry, and Truck Positioning System Management and Maintenance for a Term of One (1) Year with Two (2), 1-Year Options to Extend, in a Total Aggregated Amount Not to Exceed \$1,100,000. **(Maritime)**

File ID: [\[039-19\]](#)

Maritime Director, John Driscoll, introduced Item 6.1.

Trpy Hosmer, Port Facilities Security Officer, presented Item 6.1.

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

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

6.2 Resolution 19-09: Approve and Authorize the Executive Director to Enter into a Professional Service Agreement with George S. Hall, Inc. for Building Engineering and Maintenance Services for a Three (3) Year Term with Two (2) One-Year Options to Renew, for a Total Possible Term of Five (5) Years with a Starting Annual Fee of \$434,512.00 as well as (a) a Not-To-Exceed Allowance of 15% Per Contract Year for Unanticipated Repairs and Temporary Back-Up Staffing, and (b) Annual Wage and Benefit Increases Pursuant to the Applicable Collective Bargaining Agreement. **(CRE)**

File ID: [\[043-19\]](#)

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

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

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

7. UPDATES/ANNOUNCEMENTS

Commissioner Story reported on the February 7, 2019 Audit Committee meeting.

Communications Director, Mike Zampa, presented a video featuring World War II Navy Veteran Robert Almquist.

Executive Director, Chris Lyltle, and Maritime Director, John Driscoll, announced SSA purchased three new cranes to service the larger ships.

8. SCHEDULING

There were no "Scheduling Items" on the Agenda.

OPEN FORUM

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

John McLaurin, Melvin Mackay, Harley King, Jeremy Hope, Adam Vokac, Robert Estrada, Andre Dawkins, Frank Gaskin, Billy Kepoo and Aaron Wright

ADJOURNMENT

There being no additional business, the Meeting was adjourned at the hour of 4:01 p.m.

Approved: March 28, 2019

Daria Edgerly
Secretary of the Board