



MINUTES

Thursday, March 28, 2019

Board Room – 2nd Floor

ROLL CALL

President Butner called the Regular Meeting of March 28, 2019 to order at the hour of 1:05 p.m. and the following Commissioners were in attendance:

First Vice-President Cluver participated in Closed Session by telephone from 405 N. Indiana., Bloomington, IN 47408

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 1:07 p.m. to hear the following Items:

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

Property: One Airport Drive, Oakland, CA

Negotiating Parties: Southwest Airline and Port of Oakland

Agency Negotiator: Bryant Francis, Director of Aviation

Under Negotiation: Price and Terms of Tenancy

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: [083-19]

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

City of Oakland, a municipal corporation, acting by and through its Board of Port Commissioners vs. Embarcadero Cove Enterprises, LLC, et al.; Alameda County Superior Court Case No.: RG18926153;

Embarcadero Cove Enterprises LLC, United States Bankruptcy Court, Northern District of California Case No.: 18-42821 CN 7

File ID: [084-19]

1.3 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 Matters: 1

File ID: [085-19]

OPEN SESSION/ROLL CALL

President Butner called the Regular Meeting of March 28, 2019 to order in Open Session at the hour of 4:11 p.m.

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

Excused: 1 - First Vice-President Andreas Cluver

CLOSED SESSION REPORT

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

2. CONSENT ITEMS

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

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

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

Excused: 1 - First Vice-President Cluver

2.1 Resolution 19-16, Building Permit: for Southwest Airlines for Remodel of Checked Baggage Sort Area ("T-Point"), 1 Airport Drive, Terminal 2, OAK (Engineering)

File ID: [\[078-19\]](#)

This Resolution was approved.

- 2.2 Resolution 19-17**, Building Permit: for ~~Oakland International Container Terminal (OICT)~~ **SSA Terminals (Oakland), LLC** to Install a New Guard Booth at the East Entrance for Customs and Border Protection, 1717 Middle Harbor Road **(Engineering)**

File ID: [\[079-19\]](#)

This Resolution was approved.

- 2.3 Resolution 19-18**, Building Permit: for Jabbrrbox LLC to Install Three Modular Work Booths for Public Use, 1 Airport Drive, Connector Building, OAK **(Engineering)**

File ID: [\[080-19\]](#)

This Resolution was approved.

- 2.4 Ordinance 4513**: Approve and Authorize the Executive Director to Execute a Second Amendment to a License & Concession Agreement with Transfer Case Express, Inc. for the Premises Located at 1285 Embarcadero Road, Oakland **(CRE)**

File ID: [\[075-19\]](#)

This Ordinance was approved.

- 2.5 Minutes**: Approval of the Minutes of the Regular Meeting of February 14, 2019. **(Board)**

File ID: [\[082-19\]](#)

The Minutes were approved.

3. MAJOR PROJECTS

- 3.1 Report**: Update on GoPort Program: Freight Intelligent Transportation System and 7th Street Grade Separation Projects. **(Maritime)**

File ID: [\[077-19\]](#)

Maritime Director, John Driscoll, introduced Item 3.1.

Jason Garben, Sr. Maritime Projects Administrator, presented Item 3.1.

Kanda Raj from Alameda County Transportation Commission (ACTC)

This Report was received and filed.

4. BUDGET & FINANCE

- 4.1 Report**: FY 2020 Operating and Capital Budget Update #1, including Unaudited Financials for 7 Months ended January 31, 2019. **(Finance & Admin)**

File ID: [\[018-19\]](#)

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 4514:** Adoption of an Ordinance Approving (i) a Fourth Supplement and Amendment to Lease and Option to Lease to a Lease dated September 1, 2011 Originally Between the Port of Oakland and Business Jet Center-Oakland, L.P., now with Piedmont Hawthorne Aviation, LLC doing business as Signature Flight Support, to Amend the Premises, Adjust Facilities Rent, and Change the Rent Adjustment Dates; and, (ii) a Third Amendment to Lease to a Lease dated November 1, 2011 with Piedmont Hawthorne Aviation, LLC doing business as Signature Flight Support to Adjust the Facilities Rent and Rent Adjustment Dates, For Premises Located at the North Field of Oakland International Airport. **(Aviation)**

File ID: [\[064-19\]](#)

Aviation Director, Bryant Francis, introduced Item 6.1.

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

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

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

Excused: 1 - First Vice-President Cluver

- 6.2 Ordinance 4515:** Authorize the Executive Director to Execute a Lease with ConGlobal Industries, LLC, for a Term Extending Through June 30, 2023, Resulting in Annual Rent Ranging From Approximately \$1.7 Million to \$2.1 Million; and Authorize \$76,331 for a One-Time Rent Credit and \$1.0 million for Certain Pavement Improvements. **(Maritime)**

File ID: [\[072-19\]](#)

Maritime Director, John Driscoll, introduced Item 6.2.

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

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

Excused: 1 - First Vice-President Cluver

- 6.3 PULLED:** ~~Resolution: Authorize the Executive Director to Execute an Exclusive Negotiating Agreement with Eagle Rock Aggregates, Inc., for the Development and Lease of a Bulk Sand and Aggregate Marine Terminal at Berths 20-22, With a Non-Refundable Fee Up to \$500,000 (Maritime)~~

File ID: [\[071-19\]](#)

This Resolution was pulled.

- 6.4 Ordinance 4516:** Amendment of the Salary Schedule Assignment for the Youth Aide, Class "C" Classification in Connection with the Port of Oakland College Internship Program **(Finance & Admin.)**

File ID: [\[081-19\]](#)

Human Resources Director, Michael Mitchell, introduced Item 6.4.

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

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

Excused: 1 - First Vice-President Cluver

7. UPDATES/ANNOUNCEMENTS

Secretary of the Board, Daria Edgerly, and Marilyn Sandifur, Media/Public Relations Specialist, presented the Women's history Month Presentation featuring the Women who served as Port Commissioners.

Commissioners Story, Martinez & Leslie stated they were honored to be among the women who served as Port Commissioners.

Executive Director Chris Lytle, announced the retirement of Chris Chan and thanked him for his 29 years of service to the Port of Oakland.

8. SCHEDULING

President Butner announced the April 11, 2019 Board meeting is cancelled.

OPEN FORUM

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

Monica Miller addressed the Board.

ADJOURNMENT

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

Approved: June 13, 2019

Daria Edgerly
Secretary of the Board