



## MINUTES

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Thursday, July 11, 2019

Board Room – 2nd Floor

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### ROLL CALL

President Butner called the Regular Meeting of July 11, 2019 to order at the hour of 1:03 and the following Commissioners were in attendance:

Commissioner Story participated in Closed Session by telephone from 242 4th Avenue, Santa Cruz, CA.

**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 1:05 p.m. to hear the following Items:

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

**Title:** Port Attorney and Executive Director

**File ID:** [211-19]

#### 1.2 PUBLIC EMPLOYEE APPOINTMENT- (Pursuant to California Government Code Section 54957)

**Title:** Director of Engineering

**File ID:** [212-19]

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

**Property:** One Airport Drive, Oakland CA

**Negotiating Parties:** Southwest Airlines and Port of Oakland

**Agency Negotiator:** Bryant L. Francis, Director of Aviation

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

**Property:** Rail yard located directly east of Maritime Street, 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, Maritime Director

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

**Property:** Approximately Intersection of Maritime Street and 17th Street, Oakland, CA

**Negotiating Parties:** GAWFCO Enterprises, Inc. and Port of Oakland

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

**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:** [208-19]

## OPEN SESSION/ROLL CALL

President Butner called the Regular Meeting of July 11, 2019 to order in Open Session at the hour of 4:37 p.m.

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

**Excused:** 1 - Commissioner Joan Story

## CLOSED SESSION REPORT

Port Attorney, Danny Wan, reported that Commissioner Lee recused himself from Item 1.3 due to a potential financial conflict and was not in the room and took no part in the discussion or deliberation of the following Item:

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

**Property:** Rail yard located directly east of Maritime Street, 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, Maritime Director

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

## URGENCY ITEM

There was a motion made by First Vice-President Cluver and seconded by Second Vice-President Colbruno to add the following Urgency Item to the Agenda:

Resolution Appointing Acting Executive Director and Acting Port Attorney and Setting Temporary Supplemental Compensation for Said Positions.

The motion passed by the following vote:

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

1 Excused - Commissioner Story

## CONSENT ITEMS

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

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

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

**Excused:** 1 - Commissioner Story

- 2.1 Resolution 19-57,** Building Permit: for Rolls Royce Corporation to Demolish the Test Cell Facility, 6701 Earhart Road, North Airport **(Engineering)**

**File ID:** [\[203-19\]](#)

**This Resolution was approved.**

- 2.2 Resolution 19-58,** Building Permit: for Rolls Royce Corporation to Demolish the Main Facility, 7200 Earhart Road, North Airport **(Engineering)**

**File ID:** [\[204-19\]](#)

**This Resolution was approved.**

- 2.3 Resolution 19-59,** Building Permit: for Transportation Security Administration (TSA) to Remodel the Break Room and Supervisor Office, 1 Airport Drive, Terminal 2, OAK **(Engineering)**

**File ID:** [\[205-19\]](#)

**This Resolution was approved.**

- 2.4 Resolution 19-60:** Authorization for Travel Expenditures Relating to Trade Delegation to China for the Purpose of Promoting Oakland-Based Exports and Establishing Relationship with China Port and Commerce Authorities. **(Board)**

**File ID:** [\[214-19\]](#)

**This Resolution was approved.**

- 2.5 Ordinance 4526**, 2nd Reading Of An Ordinance Amending Port Ordinance No. 4430 Relating To Landing And Tenant Terminal Space Rental Fees At Metropolitan Oakland International Airport, Waiving Landing Fees For Landings By Student Pilots, Waiving Aircraft Parking Fees For Signatory Airlines And Establishing New Outside Storage Rates For Intermittent Cargo Operations On The South Field.

**File ID:** [\[209-19\]](#)

**This Ordinance was approved.**

- 2.6 Ordinance 4527**, 2nd Reading Of An Ordinance Approving (I) A Lease With Seastrand Engineering LLC For An Initial Five Year Term, With One Five Year Option, With First Year Annual Rent At Approximately \$92,935, And (Ii) A Fifth Supplement And Amendment To Lease And Option To Lease To A Lease Dated September 1, 2011 With Piedmont Hawthorne Aviation, LLC Dba Signature Flight Support To Amend The Premises And Adjust Annual Rent Operating At Oakland International Airport.

**File ID:** [\[210-19\]](#)

**This Ordinance was approved.**

- 2.7 Minutes:** Approval of the Minutes of the Regular Meetings of May 9, 2019, May 23, 2019 and the Special Meeting of May 13, 2019. **(Board)**

**File ID:** [\[213-19\]](#)

**The Minutes were approved.**

- 2.8 Report:** Awards of Public Works and Execution of Professional Services Agreements by the Executive Director for the Period from April 2019 through June 2019. **(Engineering)**

**File ID:** [\[165-19\]](#)

**This Report was received and filed.**

- 2.9 Report:** On-Call Professional and Construction Contracts Usage for FY 18/19 **(Engineering)**

**File ID:** [\[166-19\]](#)

**This Report was received and filed.**

## **INTRODUCTION OF 2019 SUMMER INTERNS**

Social Responsibility Director, Amy Tharpe and Derek Cheung, Former College Intern, introduced the 2019 Summer Interns.

## **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 4528:** Approve and Authorize the Executive Director to Execute a Temporary License Agreement with California College of the Arts for Installation and Maintenance of the Buoyant Ecologies Float Lab in the Middle Harbor Enhancement Area for One (1) Year with Two, One-Year Options. **(Engineering)**

**File ID:** [\[169-19\]](#)

Environmental Programs and Planning Director, Richard Sinkoff, introduced Item 6.1.

Jan Novak, Port Planner/Scientist, presented Item 6.1 with Adam Marcus, Associate Professor of Architecture at California College of the Arts.

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

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

**Excused:**       **1** - Commissioner Story

##### 6.2 **Resolution 19-61, Building Permit: for CenterPoint to Construct a Warehouse Building and Site Improvements, 1300 Maritime Street, Maritime (Engineering)**

**File ID:** [\[202-19\]](#)

Maritime Director, John Driscoll, introduced Item 6.2.

William Lu Senior Vice-President of CenterPoint Properties presented Item 6.2.

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

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

**Excused:** 1 - Commissioner Story

- 6.3 Resolution 19-62-19-64:** Construction of Southfield Pavement Improvements Phase 2 Project: Approve a Project Budget of \$2,300,000, Authorize the Director of Engineering to Approve the Plans and Project Manual, Authorize the Executive Director to Enter into a Contract with A. Teichert & Son, Inc. dba Teichert Construction for an Amount of \$1,264,385, and Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not-to-Exceed \$253,000; for the Taxiway R Pavement Rehabilitation (Eastern) Project: Approve a Project Budget of \$1,993,000, Authorize the Director of Engineering to Approve Plans and Project Manual, Authorize the Executive Director to Enter into a Contract with DeSilva Gates Construction LP for an Amount of \$971,971, and Authorize the Executive Director to Execute Contract Change Orders to the Extent Necessary in an Amount Not-to-Exceed \$195,000; and Authorization for the Executive Director to Apply for and Accept Grant Awards from the Federal Aviation Administration (FAA) AIP Program for FFY 2019. **(Engineering/Aviation)**

**File ID:** [\[184-19\]](#)

Acting Engineering Director, Robert Andrews, introduced Item 6.3.

Barry MacDonnell, Port Supervising Engineer, presented Item 6.3.

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

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

**Excused:** 1 - Commissioner Story

- 6.4 Resolution 19-65:** Authorize the Executive Director to Enter into a Professional Services Agreement with Mott MacDonald, LLC for Professional Consulting Services To Support the 7th Street Grade Separation Projects (West and East Segments) for a Contract Term Through December 31, 2022 and a Total Contract Amount Not-To-Exceed \$1,950,000. **(Engineering/Maritime)**

**File ID:** [\[192-19\]](#)

Acting Engineering Director, Robert Andrews, introduced Item 6.4.

Thanh Vuong, Port Principal Engineer, presented Item 6.4.

**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 Leslie, Commissioner Martinez, Second Vice-President Colbruno, First Vice-President Cluver and President Butner

**Excused:** 1 - Commissioner Story

- 6.5 Resolution 19-66 - 19-78:** Authorization for the Executive Director to: (i) Bid and Award up to 11 On-Call Public Works Contracts totaling \$11,640,000 for Terms up to 3 Years and up to 13 Professional Services Contracts totaling \$5,725,000 for Terms up to 5 Years; and (ii) Extend for One Year the Term Limit of Three Existing On-Call Water and Wastewater Engineering Services Contracts with Mott MacDonald LLC, WRECO, and Schaff and Wheeler Consulting Civil Engineers. **(Engineering)**

**File ID:** [\[186-19\]](#)

Acting Engineering Director, Robert Andrews, introduced Item 6.5.

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

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

**Excused:** 1 - Commissioner Story

- 6.6 Ordinance 4529:** Approve and Authorize the Executive Director to Execute a Lease with SSS Investment Group LLC for a 55-Year Term at an Initial Minimum Monthly Rent of \$31,333 for Property Located at 1901-1995 Embarcadero Road, Oakland. **(CRE)**

**File ID:** [\[189-19\]](#)

Commercial Real Estate Director, Pam Kershaw, introduced Item 6.6.

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

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

**Excused:** 1 - Commissioner Story

- 6.7 Resolution 19-79:** Approve and Authorize the Executive Director to Enter into an Agreement with CDW Government LLC to Procure an Information Technology Storage System in an Amount Not to Exceed \$224,000. **(Finance & Admin)**

**File ID:** [\[193-19\]](#)

Director of Information Technology, Kevin Fong, introduced Item 6.7.

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

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

**Excused:** 1 - Commissioner Story

Commissioner Story joined Open Session by telephone from 242 4th Avenue, Santa Cruz, CA. at the hour of 5:39 p.m.

- 6.8 Resolution 19-80:** Approve and Authorize the Executive Director to Execute an Agreement with Admiral Security Services, Inc. for Security Services at Middle Harbor Shoreline Park (MHSP) for a Term of One Year with Two, 1-Year Options in an Amount Not to Exceed \$660,000. (SRD)

**File ID:** [\[216-19\]](#)

Social Responsibility Director, Amy Tharpe, introduced Item 6.8.

**A motion was made by Second Vice-President Colbruno, seconded by First Vice-President Cluver to approve Option B in the staff report failed by the following vote:**

**2 Ayes:** Second Vice-President Colbruno and First Vice-President Cluver  
**3 Noes:** Commissioner Lee, Commissioner Story and President Butner  
**2 Abstain:** Commissioner Martinez and Commissioner Leslie

**A motion was made by Commissioner Story, seconded by President Butner to approve staff's recommendation failed by the following vote:**

**2 Ayes:** Commissioner Story and President Butner  
**3 Noes:** Commissioner Lee, Second Vice-President Colbruno and First Vice-President Cluver  
**2 Abstain:** Commissioner Martinez and Commissioner Leslie

Michael Lazarus addressed the Board on Item 6.8.

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

**Ayes:** 5 - Commissioner Lee, Commissioner Leslie, Commissioner Martinez, Second Vice-President Colbruno and First Vice-President Cluver  
**No:** 1 - Commissioner Story  
**Abstain:** 1 - President Butner

## 7. UPDATES/ANNOUNCEMENTS



Joe Marsh, Port Permit Coordinator, introduced Captain Margaret of the Seafarer's Ministry.

Captain Margaret presented a video on the new art installation approved by the Board at the previous meeting.

President Butner announced the retirement of Executive Director, Chris Lytle. All seven Commissioners thanked Chris Lytle for his leadership and service to the Port.

## URGENCY ITEM

Urgency Item: Resolution Appointing Acting Executive Director and Acting Port Attorney, and Setting Temporary Supplemental Compensation for Said Positions.

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

**A motion was made by Second Vice-President Colbruno, seconded by Commissioner Martinez, that the Urgency Item 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

## 8. SCHEDULING

There were no "Scheduling Items" on the Agenda.

## 9. ELECTION OF OFFICERS

President Butner introduced Item 9.1.

**A motion was made by Commissioner Leslie seconded by First Vice-President Cluver to change the nomination process for the Election of Officers. The motion carried by the following vote:**

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

### 9.1 Resolution 19-81: Election of Officers (Board)

**File ID:** [\[191-19\]](#)

President Butner called for nominations for the Offices of President, First Vice-President and Second Vice-President.

Commissioner Butner was nominated for the Office of President by Commissioner Cluver.

Commissioner Cluver was nominated for the Office of First Vice-President by Commissioner

Leslie.

Commissioner Leslie was nominated for the Office of Second Vice-President by Commissioner Martinez.

The election results, which were unanimous, were as follows: Ces Butner, President; Andreas Cluver, First Vice-President and Barbara Leslie, Second Vice-President.

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

## **OPEN FORUM**

There were no Public Speakers in Open Forum.

## **ADJOURNMENT**

There being no additional business, the Meeting was adjourned at the hour of 6:44 p.m.

Approved: September 12, 2019.

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Daria Edgerly  
Secretary of the Board