



## MINUTES

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Thursday, July 25, 2019

Board Room – 2nd Floor

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### ROLL CALL

President Cluver called the Regular Meeting of July 25, 2019 to order at the hour of 1:01 p.m. and the following Commissioners were in attendance:

### 1. CLOSED SESSION

President Cluver convened the Board in Closed Session at 1:04 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**

West Oakland Environmental Indicators Project Title VI Complaint: DOT#2017-0093, EPA; File Nos. 13R-17-R9 (City of Oakland) and 14R-17-R9 (Board of Port Commissioners and Port of Oakland)

**File ID:** [230-19]

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

Lakita Spencer v. Port of Oakland, et al.; Alameda County Superior Court Case No. RG18907125

Service Employees International Union, Local 1021 v. Port of Oakland

**File ID:** [231-19]

- 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

**File ID:** [232-19]

**1.4 CONFERENCE WITH LABOR NEGOTIATORS** (Pursuant to California Government Code Section 54956.6):

- International Federation of Professional and Technical Engineers, Local 21; Western Council of Engineers; International Brotherhood of Electrical Workers, Local 1245

**File ID:** [233-19]

**1.5 PUBLIC EMPLOYEE APPOINTMENT-** (Pursuant to California Government Code Section 54957)

**Title:** Executive Director and Port Attorney

**File ID:** [234-19]

**OPEN SESSION/ROLL CALL**

President Cluver called the Regular Meeting of July 25, 2019 to order in Open Session at the hour of 3:31 p.m.

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

**Excused:** 1 - President Ces Butner

**CLOSED SESSION REPORT**

Acting Port Attorney, Michele Heffes, reported that the Board had taken the following action in Closed Session:

**A motion made by Commissioner Colbruno, seconded by 2nd Vice-President Leslie, to approve Resolution 19-82. The motion carried by the following vote:**

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

**1 Excused:** President Butner

**2. CONSENT ITEMS**

There was a motion made by Second Vice-President Leslie and seconded by Commissioner Colbruno to waive the Sunshine Ordinance for Item 2.4 due to a software/hardware impairment.

The motion was approved by the following vote:

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

**1 Excused:** President Butner

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

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

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

**Excused:** 1 - President Butner

- 2.1 Resolution 19-83:** Approve and Authorize the Executive Director to Waive Formal Competitive Procurement Procedures and Enter into a Supplemental Agreement with Granicus, Inc. to Extend the Subscription for Granicus Board Meeting Management Products for Two Years in an Amount Not to Exceed \$90,000. **(Board/Finance & Administration)**

**File ID:** [\[218-19\]](#)

**This Resolution was approved.**

- 2.2 Ordinance 4528,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into 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 Year With Two, One Year Options For No Fee.

**File ID:** [\[228-19\]](#)

**This Ordinance was approved.**

- 2.3 Report:** Report of Appointments, Separations and Leaves of Absence for FY 2018-19, 4th Quarter (April 1, 2019 - June 30, 2019). **(Finance & Admin)**

**File ID:** [\[188-19\]](#)

**This Report was received and filed.**

- 2.4 Ordinance 4529,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A 55 Year Lease With SSS Investment Group LLC For An Initial Minimum Monthly Rent Of \$31,333 For Property Located At Approximately 1901 1995 Embarcadero Road, Oakland.

**File ID:** [\[229-19\]](#)

**This Ordinance was approved.**

### 3. MAJOR PROJECTS

- 3.1 **Report:** Update to Food & Beverage Concession Program Redevelopment at Oakland International Airport **(Aviation)**

**File ID:** [\[219-19\]](#)

Aviation Director, Bryant Francis, introduced Item 3.1.

Brandon Mark, Aviation Properties Manager, presented Item 3.1.

**This Report was received and filed.**

### 4. BUDGET & FINANCE

- 4.1 **Report:** Unaudited Financials for 11 months ended May 31, 2019. **(Finance & Admin)**

**File ID:** [\[187-19\]](#)

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 **Resolution 19-84:** Approve and Authorize the Executive Director to Execute a Professional Services Agreement with Harris Miller Miller & Hanson Inc. to Provide Aviation Noise Consulting Services to the Airport's Noise Abatement and Environmental Affairs Office for Five Years, Fiscal Year 2020 through 2024, for an Amount Not to Exceed \$1,150,000. **(Aviation)**

**File ID:** [\[126-19\]](#)

Aviation Director, Bryant Francis, introduced Item 6.1.

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

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

**Excused:**       1 - President Butner

- 6.2 Resolution 19-85:** Authorization To Enter Into Contract with an Advertising Agency, Circa Now, LLC, for a Term of Two Years with One, 1-Year Option to Extend, in an Amount Not to Exceed \$450,000. **(Aviation)**

**File ID:** [\[225-19\]](#)

Aviation Director, Bryant Francis, introduced Item 6.2.

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

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

**Excused:**      **1 -** President Butner

- 6.3 Resolution 19-86:** Approval of a \$140,000 Design Budget for the Aircraft Rescue and Fire Fighting Wash Rack Rehabilitation Project and Authorization for the Executive Director to Execute a Second Supplemental Agreement (Year 2) with West Yost Associates, Inc. for an Additional \$354,000 for Consultant Services for the Aircraft Rescue and Fire Fighting Wash Rack Rehabilitation Project and FY2020 Airport Sanitary Sewer Condition Assessment Plan. **(Engineering/Aviation)**

**File ID:** [\[207-19\]](#)

Acting Engineering Director, Robert Andrews, introduced Item 6.3.

Barry MacDonnell, Port Supervising Engineer, presented Item 6.3.

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

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

**Excused:**      **1 -** President Butner

- 6.4 Resolution 19-87:** For the Moving Walkway Removal and Restoration Project: (1) Approve Additional Project Budget of \$685,000 for a Not-To-Exceed Total Project Budget of \$5,720,000 and (2) Authorize the Executive Director to Execute a Change Order with Turner Construction Company, Inc. for Construction Manager at Risk (CM@R) Construction Services for an Amount Not to Exceed \$610,000. **(Engineering/Aviation)**

**File ID:** [\[217-19\]](#)

Aviation Director, Bryant Francis, introduced Item 6.4.

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

**Excused:** 1 - President Butner

- 6.5 Ordinance 4530:** Approve and Authorize the Executive Director to Execute a Lease with Shippers Transport Express, Inc. for Approximately 32 Acres of the Seaport Logistics Complex for a Term Extending Through June 30, 2032, Resulting in Annual Rent Ranging From Approximately \$3.4 Million to \$4.8 Million; Authorize up to \$300,000 for Dust Control Reimbursement; and Authorize Approximately \$7.0 Million for Certain Pavement Improvements **(Maritime)**

**File ID:** [\[222-19\]](#)

Maritime Director, John Driscoll, introduced Item 6.5.

Justin Taschek, Senior Maritime Projects Admin, presented Item 6.5.

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

**Excused:** 1 - President Butner

- 6.6 Resolution 19-88:** Authorization Approving Consent to Assignment of Maritime Security Patrol Services Contract and Port Security Operations Center Staffing Contract from Cypress Private Security, LP to Allied Universal Security Services. **(Maritime)**

**File ID:** [\[220-19\]](#)

Maritime Director, John Driscoll, introduced Item 6.6.

Troy Hosmer, Port Facilities Security Officer, and Greg Feldman, General Manager of Allied Universal, addressed the Board's questions.

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

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

**Excused:** 1 - President Butner

- 6.7 Resolution 19-89:** Adoption of a Resolution to Approve and Authorize the Board President to Execute a Retirement and Advisory Services Agreement with J. Christopher Lytle; to Certify that Mr. Lytle has Specialized Skills Needed in Performing Work of a Limited Duration to fill a Critically Needed Position; to Certify that Mr. Lytle's Services Shall be Limited to 960 hours for the 2019-20 Fiscal Year and that No Other Benefit, Incentive or Other Compensation has been Provided in Addition to His Hourly Pay Rate; and, to Certify that Mr. Lytle's Hourly Rate will be \$193.21 **(Executive Office)**

**File ID:** [\[235-19\]](#)

Human Resources Director, Michael Mitchell, introduced Item 6.7.

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

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

**Excused:** 1 - President Butner

## **7. UPDATES/ANNOUNCEMENTS**

Commissioner Story reported on the July 18, 2019 Audit Committee meeting.

Commissioner Colbruno, Commissioner Lee and Acting Executive Director, Danny Wan reported on their trip to Asia with Mayor Libby Schaaf and the Bay Area Council.

Secretary of the Board, Daria Edgerly, requested the Board adjourn in honor of Pearlie Lacy Blair.

## **8. SCHEDULING**

President Cluver announced the Board will be on recess the month of August.

## **OPEN FORUM**

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

Ted Lam, Noel Gallo, Amelia Case, Lourdes Martinez, Rostario Cruz, Rev. Bishop Henry Williams and Divya Sundar

Acting Executive Director, Danny Wan, on behalf of the Board announced the Board's support of Oakland being a Sanctuary City.

## **ADJOURNMENT**

There being no additional business, the Meeting was adjourned in honor of Pearlie Lacy Blair at

the hour of 5:21 p.m.

Approved: October 10, 2019

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Daria Edgerly  
Secretary of the Board