



MINUTES

Thursday, September 26, 2019

Board Room – 2nd Floor

ROLL CALL

President Butner called the Regular Meeting of September 26, 2019 to order at the hour of 1:02 p.m. and the following Commissioners were in attendance:

Present: 7 - Commissioner Michael Colbruno, Commissioner Yui Hay Lee, Commissioner Arabella Martinez, Commissioner Joan Story, Second Vice-President Barbara Leslie, First Vice-President Andreas Cluver and President Ces Butner

1. CLOSED SESSION

President Butner 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 Matters 3**

File ID: [286-19]

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

David Archuleta v Port of Oakland: WCAB Case No. ADJ12201286 Department of Industrial Relations, Division of Occupational Safety and Health, Inspection No. 1395454

File ID: [287-19]

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

Property: Access to approximately 1,800 linear feet of the Airport Perimeter Dike within the City of San Leandro

Negotiating Parties: City of San Leandro and Port of Oakland

Agency Negotiator: Bryant L. Francis - Director of Aviation

Under Negotiation: Price and Terms of Tenancy

File ID: [288-19]

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

Title: Executive Director, Port Attorney

File ID: [289-19]

OPEN SESSION/ROLL CALL

President Butner called the Regular Meeting of September 26, 2019 to order in Open Session at the hour of 3:30 p.m.

Present: 7 - Commissioner Michael Colbruno, Commissioner Yui Hay Lee, Commissioner Arabella Martinez, Commissioner Joan Story, Second Vice-President Barbara Leslie, First Vice-President Andreas Cluver and President Ces Butner

CLOSED SESSION REPORT

Acting Port Attorney, Michele Heffes, reported that Commissioner Lee recused himself from one matter under Item 1.1 due to a potential financial conflict and was not in the room and took no part in the discussion or deliberation of the item.

2. CONSENT ITEMS

Second Vice-President Leslie moved Item 2.2 off of Consent.

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

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

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

- 2.1 Ordinance 4534:** Approval of a Second Amendment to Lease with Cool Port Oakland DRE, LLC, for the Development and Operations of a Temperature Controlled Logistics Facility to Modify Land Boundaries, Tenant Access and Other Terms **(Maritime)**

File ID: [\[273-19\]](#)

This Ordinance was approved.

- 2.3 Ordinance 4531,** 2nd Reading Of An Ordinance Approving Airline Operating Agreement With Redding Aero Enterprises, Inc. Operating At Oakland International Airport For A Term Expiring On September 30, 2021, With Annual Landing Fee Revenue Estimated At \$21,000.

File ID: [\[283-19\]](#)

This Ordinance was approved.

- 2.4 Ordinance 4532**, 2nd Reading Of An Ordinance Approving Two Space/Use Permits With Two Airline Services Providers - Prospect International Airport Services Corporation And Standard Aero Serv, LLC - Each For Terms Expiring June 30, 2023, For Aggregate Estimated Annual Revenue Of \$303,000 (Total For Both), Operating At Oakland International Airport.

File ID: [\[284-19\]](#)

This Ordinance was approved.

- 2.5 Ordinance 4533**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A First Amendment To The Temporary License Agreement With HDR Engineering, Inc. For Certain Port Of Oakland Lands Located Adjacent To 7th Street And Within The Right Of Way Of 7th Street And Maritime Street To Extend The Term Through March 31, 2020, For Various Activities In Support Of The 7th Street Grade Separation Projects.

File ID: [\[285-19\]](#)

This Ordinance was approved.

- 2.2 Ordinance 4535:** Approve a Fourth Amendment to the Agreement for Purchase and Sale and Ground Lease of Real Property and Escrow Instructions to Establish a Standard Form Assignment and Assumption Agreement for the Transfer of Privately Owned Parcels Located within the Oak to Ninth District Project site. **(CRE)**

File ID: [\[271-19\]](#)

Commissioner Lee and First Vice-President Cluver recused themselves from Item 2.2 due to a potential financial conflict and they were not in the room and took no part in the discussion or deliberation of the item.

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

Ayes: **5** - Commissioner Colbruno, Commissioner Martinez, Commissioner Story, Second Vice-President Leslie and President Butner

Recused: **2** - Commissioner Lee and First Vice-President Cluver

3. MAJOR PROJECTS

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

File ID: [\[274-19\]](#)

Maritime Director, John Driscoll, introduced Items 3.1 and 3.2.

Jason Garben and Pia Franzese, Senior Maritime Projects Administrators, presented Item 3.1.

This Report was received and filed.

- 3.2 Resolution 19-94:** Approval of Removal of Radio Frequency Device Reader Project from Department of Homeland Security Federal Emergency Management Agency Grant and Related Actions for the Freight Intelligent Transportation System Project (GoPort Program). **(Maritime)**
File ID: [\[275-19\]](#)

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

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

4. BUDGET & FINANCE

- 4.1 Report:** Fiscal Year 2019 Financial Highlights. **(Finance & Admin)**

File ID: [\[200-19\]](#)

Chief Financial Officer, Sara Lee, introduced 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:** Adopt an Ordinance to Amend Port Ordinance No. 2610, as Amended, To Establish Employee Tenant Parking Rates January 1, 2020 through December 31, 2028~~3~~ and Delegating Authority to the Director of Aviation to increase Employee Tenant Parking Rates within Certain Parameters at Oakland International Airport. **(Aviation)**

File ID: [\[277-19\]](#)

Assistant Aviation Director, Kristi McKenney, introduced Item 6.1.

Assistant Aviation Director, Tatiana Starostina, presented Item 6.1.

A motion was made by Commissioner Lee, seconded by Second Vice-President Leslie, that the Ordinance be moved to subsequent meeting. The motion carried by the following vote:

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

- 6.2 Resolution 19-95:** Authorization to Enter into a Professional Services Agreement with Wood Rodgers, Inc. to update the Airport's Stormwater Management Implementation Plan and Assess Tidal Flooding Vulnerability at the North Field for a contract amount not to exceed \$1,100,000. **(Engineering/Aviation)**

File ID: [\[251-19\]](#)

Aviation Director, Kristi McKenney, introduced Item 6.2.

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

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

- 6.3 Ordinance 4536:** Approve and Authorize the Executive Director to Enter into a Lease Amendment with Sea-Logix, LLC for Approximately 5.5 Acres of Combined Warehouse, Office and Yard Space for a Term Extending Through June 30, 2024, Resulting in Total Rent of \$4.3 Million with One Five-Year Option Resulting in Additional Rent of Approximately \$6.0 Million **(Maritime)**

File ID: [\[276-19\]](#)

Maritime Director, John Driscoll, introduced Item 6.3.

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

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

- 6.4 Resolution 19-96:** (i) Approve a Budget for Design in an Amount Not-To-Exceed \$500,000 and (ii) Authorize a Third Supplemental Agreement with WRECO for the On-Call Water and Wastewater Engineering Services Contract to Extend the Contract Term By One Year to October 20, 2021 for the Design of the Sewer Pipeline Rehabilitation Project at the Ben E. Nutter Terminal. **(Engineering/Maritime)**

File ID: [\[256-19\]](#)

Steve Lowe, Port Principal Engineer, introduced Item 6.4.

Thanh Vuong, Port Principal Engineer, presented Item 6.4.

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

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

- 6.5 Resolution 19-97:** Approve a Budget for Design in an Amount Not-To-Exceed \$525,000 for the Sewer Lift Station Rehabilitation at Berths 57-59 (D01P, D02P, D03P) Project, Utilizing Design Engineering Consultant Mott MacDonald Group, Inc. **(Engineering/Maritime)**

File ID: [\[258-19\]](#)

Steve Lowe, Port Principal Engineer, introduced Item 6.5.

Thanh Vuong, Port Principal Engineer, presented Item 6.5.

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

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

- 6.6 Resolution 19-98:** For the Jack London Square Improvements: Parking Access and Revenue Control System (PARCS) Upgrade Project: i) Approve a Project Budget Not-To-Exceed \$2,162,677; Authorize the Executive Director to Award a Professional Services Agreement to SKIDATA in an Amount Not-To-Exceed \$1,807,677 for the Design, and Installation of the Project; Authorize the Executive Director to Execute Change Orders to the Extent Necessary in an Amount Not-To-Exceed \$180,000; and Authorize the Executive Director to Enter into a Six Year Contract for Maintenance, Extended Parts Warranty and Rapid Response for an Amount Not-To-Exceed \$450,000 Spread Over Six Years. **(Engineering/CRE)**

File ID: [\[259-19\]](#)

Steve Lowe, Port Principal Engineer, introduced Item 6.6.

Thanh Vuong, Port Principal Engineer, presented Item 6.6.

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

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

- 6.7 Resolution 19-99:** Adoption of a Resolution Necessary to Appoint Danny Wan as the Interim Executive Director Effective October 1, 2019 at an Annual Salary of \$365,000 Plus Benefits. **(Finance & Admin.)**

File ID: [\[293-19\]](#)

Human Resources Director, Michael Mitchell, introduced Item 6.7.

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

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

- 6.8 Resolution 19-100:** Adoption of a Resolution Necessary to Appoint Michele Heffes as the Interim Port Attorney Effective October 1, 2019 at an Annual Salary of \$323,655 Plus Benefits. **(Finance & Admin.)**

File ID: [\[292-19\]](#)

Human Resources Director, Michael Mitchell, introduced Item 6.8.

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

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

- 6.9 Resolution 19-101:** Supporting the Raising of the United Nations Flag on the United Nations Flag Pole at Jack London Square and Commending the United Nations Association - USA, East Bay Chapter. **(Board)**

File ID: [\[278-19\]](#)

Secretary of the Board, Daria Edgerly, introduced Item 6.9.

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

7. UPDATES/ANNOUNCEMENTS

There were no "Updates or Announcements" on the Agenda.

8. SCHEDULING

There were no "Scheduling Items" on the Agenda.

OPEN FORUM

There were no Public Speakers in Open Forum.

ADJOURNMENT

There being no additional business, the Meeting was adjourned at the hour of 5:09 p.m.

Approved: October 24, 2019

Daria Edgerly
Secretary of the Board