



MINUTES

Thursday, October 10, 2019

Board Room – 2nd Floor

ROLL CALL

President Butner called the Regular Meeting of October 10, 2019 to order at the hour of 1:07 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 1:09 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: [303-19]

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

In re: RUI Holding Corp., et al., Debtors; United States Bankruptcy Court Case No. 19-11509 (Chapter 11).

File ID: [304-19]

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

Property: 1 Market Street, Oakland, CA (Howard Terminal)

Negotiating Parties: The Oakland Athletics and Port of Oakland

Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate

Under Negotiation: Price and Terms of Tenancy

File ID: [305-19]

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

54957)

Title: Executive Director, Port Attorney

File ID: [306-19]

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

Title: Former Port Attorney

File ID: [307-19]

OPEN SESSION/ROLL CALL

President Butner called the Regular Meeting of October 10, 2019 to order in Open Session at the hour of 3:08 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

Interim Port Attorney, Michele Heffes, 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 First Vice-President Cluver, seconded by Commissioner Colbruno, 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, 2nd Reading of An Ordinance Authorizing And Approving A Second Amendment To The Lease With Cool Port Oakland DRE, LLC For The Operations Of A Temperature Controlled Logistics Facility To Modify Land Boundaries, Tenant Access, And Other Terms.

File ID: [\[309-19\]](#)

This Ordinance was approved.

2.2 Ordinance 4536, 2nd Reading of An Ordinance Approving And Authorizing 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.

File ID: [\[312-19\]](#)

This Ordinance was approved.

- 2.3 Minutes:** Approval of the Minutes of the Special Meetings of August 14, 2019 and August 21, 2019, the Regular Meetings Minutes of the July 25, 2019 and September 12, 2019. **(Board)**

File ID: [\[308-19\]](#)

The Minutes were approved.

- 2.4 Report:** Awards of Public Works and Professional Services Contracts by the Executive Director for the Period from July 2019 through September 2019. **(Engineering)**

File ID: [\[279-19\]](#)

This Report was received and filed.

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 4535,** 2nd Reading of An Ordinance Approving And Authorizing 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 Location Within The Oak To Ninth District Project Site.

File ID: [\[310-19\]](#)

Secretary of the Board, Daria Edgerly, introduced Item 6.1.

A motion was made by Commissioner Colbruno, seconded by Commissioner Story, 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

- 6.2 Resolution 19-102:** For the Terminal 2 Boiler Replacement Project: (1) Approve a Construction Budget of \$4,064,000 for a Not-To-Exceed Total Project Budget of \$4,584,000 (2) Authorize the Executive Director to Amend the International Arrivals Building (IAB) Contract with Turner Construction to Add Construction Manager at Risk (CM@R) Construction Services for a Guaranteed Maximum Price (GMP) Not-to-Exceed \$3,364,000. **(Aviation / Engineering)**

File ID: [\[295-19\]](#)

Acting Engineering Director, Robert Andrews, introduced 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: 7 - Commissioner Colbruno, Commissioner Lee, Commissioner Martinez, Commissioner Story, Second Vice-President Leslie, First Vice-President Cluver and President Butner

- 6.3 Resolution 19-103:** Authorization to Award Three On-Call Asbestos and Lead Paint Consulting Services Contracts to ACC Environmental, SCA Environmental, and Millennium Consulting for \$250,000 each, totaling \$750,000, for a three-year Contract Term. **(Engineering)**

File ID: [\[272-19\]](#)

Acting Engineering Director, Robert Andrews, introduced Item 6.3.

Colleen Liang, Port Environmental Supervisor, presented Item 6.3.

A motion was made by Commissioner Colbruno, 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

- 6.4 Resolution 19-104:** Approval to Reimburse the City of Oakland for General Services and Lake Merritt Trust Services Rendered in Fiscal Year 2018-19 in the Amount of \$2,549,577. **(Finance & Admin)**

File ID: [\[201-19\]](#)

Chief Financial Officer, Sara Lee, introduced Item 6.4.

A motion was made by Commissioner Martinez, 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

7. UPDATES/ANNOUNCEMENTS

First Vice-President Cluver and Commissioner Lee announced that they attended the 53rd Annual UN Flag Faising Ceremony on behalf of the Port.

Second Vice-President Leslie and Commissioners Lee announced that they ejoyed their crane tour in the Maritime Area.

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 3:32 p.m.

Approved: November 21, 2019

Daria Edgerly
Secretary of the Board