



MINUTES

Thursday, October 24, 2019

Board Room – 2nd Floor

ROLL CALL

President Butner called the Regular Meeting of October 24, 2019 to order at the hour of 8:35 a.m. and the following Commissioners were in attendance:

Commissioner Martinez arrived at the meeting at 8:43 a.m.

Commissioner Lee arrived at the meeting at 8:56 a.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

1. CLOSED SESSION

President Butner convened the Board in Closed Session at 8:36 a.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 Airlines and Port of Oakland

Agency Negotiator: Bryant, Francis, Director of Aviation

Under Negotiation: Price and Terms of Tenancy

Property: Intersection of Maritime Street and 14th Street, Oakland, CA

Negotiating Parties: CenterPoint-Oakland Development I LLC and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Price and Terms of Tenancy

Property: Rail yard located directly east of Maritime Street, parallel to I-880, 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, Director of Maritime

Under Negotiation: Price and Terms of Tenancy

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: [319-19]

- 1.2 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:** 2

File ID: [318-19]

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

Title: Executive Director and Port Attorney

File ID: [320-19]

OPEN SESSION/ROLL CALL

President Butner called the Regular Meeting of October 24, 2019 to order in Open Session at the hour of 4:30 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

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

A motion made by First Vice-President Cluver, seconded by Second Vice-President Leslie, to approve Resolution 19-105. The motion carried by the following vote:

7 - Ayes: 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.

Resolution 19-105: Resolution Approving And Authorizing Execution Of A Settlement Agreement And Policy Release Regarding Certain Pollution Liability Insurance Policies With Illinois Union Insurance Company And Chubb Custom Insurance Company In The Amount Of \$7,900,000 Concerning Pollution At Multiple Port Of Oakland Properties.

Commissioner Lee recused himself from one of the properties listed 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.

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

Property: Rail yard located directly east of Maritime Street, parallel to I-880, 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, Director of Maritime

Under Negotiation: Price and Terms of Tenancy

CONSENT ITEMS

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

A motion was made by Commissioner Colbruno, seconded by Commissioner Story, 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 Resolution 19-106:** Consent to Change in Control in Ownership of Fox Rent A Car, Inc. and Assignment of a Space/Use Permit for Non-Exclusive Rental Car Concession and a License and Concession Agreement at Oakland International Airport, from the Current Shareholders of Fox Rent A Car, Inc. to Europcar Mobility Group **(Aviation)**

File ID: [\[315-19\]](#)

This Resolution was approved.

- 2.2 Minutes:** Approval of the Minutes of the Regular Meeting of September 26, 2019. **(Board)**

File ID: [\[317-19\]](#)

The Minutes were approved.

- 2.3 Report:** Report of Appointments, Separations and Leaves of Absence for FY 2019-20, 1st Quarter (July 1, 2019 - September 30, 2019). **(Finance & Admin)**

File ID: [\[299-19\]](#)

This Report was received and filed.

3. MAJOR PROJECTS

- 3.1 Resolution 19-107:** For the Joint Traffic Management Center/Emergency Operation Center Project and the Freight Intelligent Transportation System ("FITS") Program: Approve Additional

Project Budget in an Amount Not-To-Exceed \$3,337,503 for the FITS Program; Authorize the Executive Director to Execute a Contract with CB2 Builders Inc. in an Amount Not-To-Exceed \$2,806,603.13; and Authorize the Executive Director to Execute Change Orders to the Extent Necessary in an Amount Not-To-Exceed \$421,000. **(Engineering/Maritime)**

File ID: [\[282-19\]](#)

Acting Engineering Director, Robert Andrews, introduced Item 3.1.

Bill Aboudi addressed the Board on Item 3.1.

A motion was made by Commissioner Lee, 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

4. BUDGET & FINANCE

There were no Budget & Finance Items to approve.

5. STRATEGY & POLICY

5.1 Report: Information Report from the City of Oakland on the Downtown Oakland Specific Plan (City of Oakland)

File ID: [\[314-19\]](#)

Environmental Programs and Planning Director, Richard Sinkoff, introduced Item 5.1.

Ed Manasse, City of Oakland Deputy Planning Director, presented Item 5.1.

This Report was received and filed.

6. REMAINING ACTION ITEMS

6.1 Ordinance 4537: Adopt an Ordinance to Amend Port Ordinance No. 2610, as Amended, To Establish Employee Tenant Parking Rates January 1, 2020 through December 31, 2023 at Oakland International Airport. **(Aviation)**

File ID: [\[316-19\]](#)

Aviation Director, Bryant Francis, introduced Item 6.1.

Assistant Aviation Director, Tatiana Starostina, presented Item 6.1.

Jessica Medina and Adrianna Carranza addressed the Board on Item 6.1.

A motion was made by Commissioner Martinez, seconded by Second Vice-President Leslie, that the Ordinance be approved as amended. 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 19-108: Approve a Construction Budget of \$7,185,000 for Taxiway C Emergency Pavement Repair for a Total Project Budget of \$7,851,000; Authorize the Executive Director to Modify the Expenditure Limit of the Selected On-Call Paving and Grading Contractor in the Estimated Amount of \$6,700,000 and Extend the Contract Term to June 30, 2020 for the Sole Purpose of Performing the Taxiway C Emergency Pavement Repair. **(Engineering/Aviation)**

File ID: [\[302-19\]](#)

Acting Engineering Director, Robert Andrews, introduced Item 6.2.

Assistant Aviation Director, Kristi McKenney, addressed the Board's questions.

First Vice-President Cluver left the meeting at the hour of 5:27 p.m.

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

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

Excused: 1 - First Vice-President Cluver

6.3 Ordinance 4538: Authorization to Extend Space Assignment Agreements That Have Been in Effect for More Than One Year as of October 24, 2019 and Authorization to Extend Space Assignment Agreements That Are Likely To Be in Effect for More Than One Year as of December 31, 2019 Resulting in Annual Revenue of Approximately \$8.6 Million **(Maritime)**

File ID: [\[300-19\]](#)

Maritime Director, John Driscoll, introduced Item 6.3.

Eric Napralla, Chief Wharfinger, addressed the Board's questions.

Bill Aboudi addressed the Board on Item 6.3.

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

Excused: 1 - First Vice-President Cluver

- 6.4 Ordinance 4539:** Authorize the Executive Director to approve the Second Amendment to the Temporary Rental Agreement with West Oakland Pacific Railroad, LLC, to Provide Interim Switching Services at the Port's OHIT Phase 1 Yard, for an Initial Term of One Year through December 31, 2020, with One, 1-Year Option to Extend; Fixed Compensation of \$5,350 per Calendar Year Quarter; and Variable Compensation of \$133.75 per Rail Car in Excess of the Breakpoint. **(Maritime)**

File ID: [\[313-19\]](#)

Maritime Director, John Driscoll, introduced Item 6.4.

Commissioner Lee recused himself from Item 6.4 due to a potential financial conflict and was not in the room and took no part in the discussion or deliberation of the item.

A motion was made by Second Vice-President Leslie, 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

Excused: 1 - First Vice-President Cluver

Recused: 1 - Commissioner Lee

- 6.5 Resolution 19-109:** For the Demolition and Removal of Port of Oakland Cranes X402, X403, and X404 At Berths 20 And 21 Project: Approve a Project Budget in an Amount Not-to Exceed \$800,000; Authorize the Executive Director to Enter into a Contract with Resource Environmental, Inc. in an Amount Not-to-Exceed \$490,000; and Authorize the Executive Director to Execute Change Orders to the Extent Necessary in an Amount Not-To-Exceed \$150,000. **(Engineering/Maritime)**

File ID: [\[281-19\]](#)

Acting Engineering Director, Robert Andrews, introduced Item 6.5.

A motion was made by Commissioner Colbruno, seconded by Commissioner Martinez, 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 President Butner

Excused: 1 - First Vice-President Cluver

- 6.6 Resolution 19-110:** For the 800 Series Building Pavement Reconstruction Project: (i) Approve a Project Budget in an Amount Not-To-Exceed \$1,220,000.00; (ii) Authorize the Executive

Director to Enter Into a Contract with O.C. Jones & Sons, Inc. in an Amount Not-To-Exceed \$675,930.00; and (iv) Authorize the Executive Director to Execute Change Orders to the Extent Necessary in an Amount Not-to-Exceed \$135,000.00. **(Engineering/Maritime)**

File ID: [\[301-19\]](#)

Acting Engineering Director, Robert Andrews, introduced Item 6.6.

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

Excused: 1 - First Vice-President Cluver

7. UPDATES/ANNOUNCEMENTS

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

8. SCHEDULING

8.1 Resolution 19-111: Adopting the Regular Board Meeting Schedule for Calendar Year 2020. **(Board)**

File ID: [\[321-19\]](#)

Secretary of the Board, Daria Edgerly, introduced Item 8.1.

A motion was made by Commissioner Martinez, 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 President Butner

Excused: 1 - First Vice-President Cluver

OPEN FORUM

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

Bill Aboudi

ADJOURNMENT

There being no additional business, the Meeting was adjourned at the hour of 6:04 p.m.

Approved: November 21, 2019

Daria Edgerly
Secretary of the Board