



## MINUTES

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Thursday, November 21, 2019

Board Room – 2nd Floor

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### ROLL CALL

President Butner called the Regular Meeting of November 21, 2019 to order at the hour of 1:00 p.m. and the following Commissioners were in attendance:

**Present:** 5 - Commissioner Michael Colbruno, Commissioner Arabella Martinez, Commissioner Joan Story, Second Vice-President Barbara Leslie and President Ces Butner

**Excused:** 2 - Commissioner Yui Hay Lee and First Vice-President Andreas Cluver

### 1. CLOSED SESSION

President Butner convened the Board in Closed Session at 1:01 p.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:** Berths 20, 21, and 22 areas located at the Port of Oakland - 1599 Maritime Street, Oakland, CA

**Negotiating Parties:** Eagle Rock Aggregates, Inc. and Port of Oakland

**Agency Negotiator:** John Driscoll, Director of Maritime & Eric Napralla, Chief Wharfinger

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

**Property:** Available Dock Space at Berth 34, Oakland, CA

**Negotiating Parties:** Seaspan Ferries Corporation and Port of Oakland

**Agency Negotiator:** John Driscoll, Director of Maritime & Eric Napralla, Chief Wharfinger

**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:** [349-19]

- 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 Matter(s):** 2

**File ID:** [348-19]

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

**Title:** Port Attorney

**File ID:** [350-19]

## **OPEN SESSION/ROLL CALL**

President Butner called the Regular Meeting of November 21, 2019 to order in Open Session at the hour of 3:41 p.m.

**Present:**       **5 -** Commissioner Michael Colbruno, Commissioner Arabella Martinez, Commissioner Joan Story, Second Vice-President Barbara Leslie and President Ces Butner

**Excused:**       **2 -** Commissioner Yui Hay Lee and First Vice-President Andreas Cluver

## **CLOSED SESSION REPORT**

Interim Port Attorney, Michele Heffes, reported that the Board had taken no final action in Closed Session.

Ms. Heffes also reported Commissioner Colbruno recused himself from a portion of Item 1.1 due to a potential financial 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:** Berths 20, 21, and 22 areas located at the Port of Oakland - 1599 Maritime Street, Oakland, CA

**Negotiating Parties:** Eagle Rock Aggregates, Inc. and Port of Oakland

**Agency Negotiator:** John Driscoll, Director of Maritime & Eric Napralla, Chief Wharfinger

## **2. 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:** 5 - Commissioner Colbruno, Commissioner Martinez, Commissioner Story, Second Vice-President Leslie and President Butner

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

- 2.1 Resolution 19-113:** Authorization to Execute an Extension Agreement with the San Francisco Bay Area Rapid Transit District (BART) to Provide As-Needed BART Bus Bridge Service for a Term up to December 31, 2024. **(Aviation)**

**File ID:** [\[340-19\]](#)

**This Resolution was approved.**

- 2.2 Ordinance 4540:** Authorize the Executive Director to Approve a No-Cost Temporary License Agreement with the San Francisco Bar Pilots for Vehicle Parking and Vessel Access at Berth 34 for a Term of Three Years **(Maritime)**

**File ID:** [\[330-19\]](#)

**This Ordinance was approved.**

- 2.3 Minutes:** Approval of the Minutes of the Regular Meetings of October 10, 2019 and October 24, 2019. **(Board)**

**File ID:** [\[322-19\]](#)

**The Minutes were approved.**

### **3. MAJOR PROJECTS**

- 3.1 Resolution 19-114:** Approve and Authorize the Executive Director to Execute a Memorandum of Understanding with Alameda County Transportation Commission and the City of Oakland to Define Roles, Responsibilities, and Authorities Associated with the 7th Street Grade Separation East Project (GoPort Program). **(Maritime/Engineering)**

**File ID:** [\[337-19\]](#)

Delphine Prevost, Admin/Finance Services Manager, introduced Items 3.1 & 3.2.

Jason Garbon, Senior Maritime Projects Administrator, presented Items 3.1 & 3.2.

**A motion was made by Commissioner Colbruno, seconded by Commissioner Martinez, that the Resolution 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:** 2 - Commissioner Lee and First Vice-President Cluver

- 3.2 Ordinance 4541:** Approve and Authorize the Executive Director to Enter into a No-Cost Temporary License Agreement with Alameda County Transportation Commission for Certain Port Lands Located Along 7th Street Near the Intersection of 7th Street and Maritime Street, Providing for Various Activities in Support of Constructing the 7th Street Grade Separation East Project through December 31, 2024. **(Maritime/Engineering)**

**File ID:** [\[336-19\]](#)

**A motion was made by Commissioner Colbruno, seconded by Commissioner Martinez, that the Ordinance be introduced on first reading. The motion carried by the following vote:**

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

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

- 3.3 Report:** Update on Turning Basins Expansion Study **(Maritime)**

**File ID:** [\[335-19\]](#)

Delphine Prevost, Admin/Finance Services Manager, introduced Item 3.3.

Eric Napralla, Chief Wharfinger, presented Item 3.3.

**This Report was received and filed.**

#### **4. BUDGET & FINANCE**

There were no Budget & Finance Items to approve.

#### **5. STRATEGY & POLICY**

- 5.1 Ordinance 4542:** Adopt Amendments to the By-Laws and Administrative Rules of the Board of Port Commissioners **(Port Attorney)**.

**File ID:** [\[296-19\]](#)

Interim Port Attorney, Michele Heffes, presented Item 5.1.

**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

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

#### **6. REMAINING ACTION ITEMS**

- 6.1 Resolution 19-115:** Approve a \$1,336,000 Design Budget for Pavement Rehabilitation Projects at the Oakland International Airport, and Authorize the Executive Director to Execute a Second Supplemental Agreement (Year 2) with Orion Engineers and Associates for an Additional \$1,424,000 for Design Consultant Services for Airport Drive/Bessie Coleman Drive, Taxiway Bravo, Taxiway Victor, and Taxiway Romeo (Eastern) Pavement Rehabilitation Projects. **(Engineering/Aviation)**

File ID: [\[291-19\]](#)

Acting Engineering Director, Robert Andrews, introduced Item 6.1.

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

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

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

- 6.2 Resolution 19-116:** (1) Authorize the Executive Director to Enter into the Mitigation Agreement with East Bay Regional Park District for Two (2) Years as Mitigation for Impacts Associated with the Airport Perimeter Dike Improvements Project in the Amount of \$78,750. **(Engineering & Aviation)**

File ID: [\[325-19\]](#)

Acting Engineering Director, Robert Andrews, introduced Item 6.2.

Jan Novak, Port Associate Environmental Scientist/Planner, presented Item 6.2.

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

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

- 6.3 Resolution 19-117:** Authorize a Fiscal Year 2020 Capital Equipment Budget of \$6,481,045 to Procure Equipment for Use by Aviation Division and Harbor Facilities Department; Designate Existing Equipment as Surplus because it is Either Inadequate, Obsolete or Worn-Out and Approve to Sell, Donate, or Dispose of Such Property; and Authorize the Executive Director to Procure the Equipment for a Not-to-Exceed Amount of \$6,481,045. **(Aviation/Engineering)**

File ID: [\[329-19\]](#)

Acting Engineering Director, Robert Andrews, introduced Item 6.3.

Toby Tatom, Port Equipment Supervisor, presented Item 6.3.

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

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

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

- 6.4 Resolution 19-118:** Authorization to Execute an Agreement with the City of Oakland for Reformation and Maintenance Costs Related to Community Facilities District No. 2015-1, for an Amount Not to Exceed \$369,015 For Certain Costs For Fiscal Years 2018-19 and 2019-20. **(Maritime)**

**File ID:** [\[338-19\]](#)

Delphine Prevost, Admin/Finance Services Manager, introduced Item 6.4.

**A motion was made by Second Vice-President Leslie, seconded by Commissioner Story, that the Resolution 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:** 2 - Commissioner Lee and First Vice-President Cluver

- 6.5 Ordinance 4543:** Approve and Authorize the Executive Director to Execute a Lease with United Food Solutions for the Premises Located at 31 Webster Street and 38 Webster Street, Oakland, for a Ten (10) Year Term with One (1) Option to Extend for an Additional Six (6) Years for a Minimum Rental Amount of \$1,260,876 over Ten (10) Years. **(CRE)**

**File ID:** [\[339-19\]](#)

Commercial Real Estate Director, Pam Kershaw, introduced Item 6.5.

**A motion was made by Commissioner Story, 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

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

## **7. UPDATES/ANNOUNCEMENTS**

Communications Director, Mike Zampa, announced the Annual Tree Lighting Celebration in Jack London Square.

Interim Port Attorney, Michele Heffes, requested the Board adjourn in memory of former Port Attorney, Stanley P. Hébert.

Conway Jones addressed the Board on Stanley P. Hébert's life and legacy.

## **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 in memory of Stanley P. Hébert at the hour of 4:54 p.m.

Approved: January 23, 2020

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Daria Edgerly  
Secretary of the Board