



## MINUTES

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Thursday, January 23, 2020

Board Room – 2nd Floor

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### ROLL CALL

President Butner called the Regular Meeting of January 23, 2020 to order at the hour of 1:00 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 1:02 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(s): 4**

**File ID:** [\[071-20\]](#)

- 1.2 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:** [\[072-20\]](#)

- 1.3 CONFERENCE WITH LABOR NEGOTIATOR -** (Pursuant to California Government Code Section 54957.6):

Unrepresented Employee: Unit H

**File ID:** [\[073-20\]](#)

- 1.4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION -** (Pursuant to California Government Code Section 54957):

**Title:** Executive Director, Port Attorney, Chief Audit Officer, Secretary of the Board

**File ID:** [\[074-20\]](#)

## OPEN SESSION/ROLL CALL

President Butner called the Regular Meeting of January 23, 2020 to order in Open Session at the hour of 4:06 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

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

**A motion made by Commissioner Martinez, seconded by Commissioner Colbruno, to approve Resolution 20-02. The motion carried by the following vote:**

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

**Resolution 20-02:** Resolution Approving And Authorizing Execution Of A Settlement Agreement And Partial Release With Respect To The Former Mobil Oil Site At Berths 23/24 With Zurich American Insurance Company In The Amount Of \$45,00 Covering Certain Environmental Costs Incurred From July 1, 2017, Through June 30, 2018.

## CONSENT ITEMS

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

Brandon Mark, Aviation Properties Manager, addressed the Board on Item 2.1.

**A motion was made by Commissioner Colbruno, seconded by First Vice-President Cluver, 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:** Consent to Assignment from Soaring Food Group, LLC to Soaring Food Group II, LLC., for Unit No. T1-FB-G9 in Terminal 1 under Space/Use Permit for Food and Beverage Concession at Oakland International Airport. **(Aviation)**

**File ID:** [\[015-20\]](#)

**This Resolution was approved.**

- 2.2 Ordinance:** Adoption of an Ordinance Approving a Space/Use Permit with Gitbin & Associates, Inc., doing business as Go Rentals, with Anticipated Annual Revenues of \$12,000, Operating at the North Field of Oakland International Airport. **(Aviation)**

**File ID:** [\[017-20\]](#)

**This Ordinance was approved.**

- 2.3 Resolution:** Authorize Executive Director to Execute All Documents, including Other Transaction Agreement (OTA) and Statement of Joint Objectives (SOJO), to Participate in the Transportation Security Administration's (TSA's) Law Enforcement Officer Reimbursement Program **(Aviation)**

**File ID:** [\[065-20\]](#)

**This Resolution was approved.**

- 2.4 Ordinance:** Authorize the Executive Director to Execute a First Amendment to the Lease with Seafarer's Ministry of the Golden Gate to Provide for the Maintenance of a Memorial Sculpture **(Maritime)**

**File ID:** [\[030-20\]](#)

**This Ordinance was approved.**

- 2.5 Ordinance:** Approve and Authorize the Executive Director to Execute a License and Concession Agreement with Passage Nautical Enterprises, Inc. for a Thirty-Eight (38) Month Term for the Premises Located at 544 Water Street, Oakland with an Initial Rent of \$1,538.00 per month and 4% annual increases thereafter. **(CRE)**

**File ID:** [\[068-20\]](#)

**This Ordinance was approved.**

- 2.6 Ordinance:** Approve and Authorize the Executive Director to Execute an Amendment to Lease with GSC Logistics, Inc. ("GSC") to Expand their Premises Located at 530 Water Street, 5th Floor by an Additional Approximately 3,487 Sq.Ft., for an Additional Fixed Monthly Rent of \$12,952.53 and an additional Monthly Building Operating/Common Area Expense Reimbursement of \$230.84, and Terminate the License & Concession Agreement with GSC for Ground Floor Office Space at 516 Water Street Upon GSC's Move Into the Expanded Premises at 530 Water Street, 5th Floor. **(CRE)**

**File ID:** [\[069-20\]](#)

**This Ordinance was approved.**

- 2.7 Resolution:** Approval to Submit an Attestation of the Veracity of the Port's Power Source

Disclosure Report and the Power Content Label to the California Energy Commission for Calendar Year 2018. **(Engineering)**

**File ID:** [\[014-20\]](#)

**This Resolution was approved.**

- 2.8 Ordinance 4544**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute An Encroachment Agreement With Union Pacific Railroad Company For The Installation Of Radio Frequency Identification Device Equipment And Train Detection Equipment Associated With The Freight Intelligent Transportation System ("FITS") Element Of The Goport Program.

**File ID:** [\[059-20\]](#)

**This Ordinance was approved.**

- 2.9 Ordinance 4545**, 2nd Reading Of An Approving An Amendment To Space/Use Permit With Each Of The Four Food And Beverage Concessionaires - HFF Oak Venture, LLC; Rylo Management, LLC; Soaring Food Group, LLC; And SSP America Oak, LLC - To Increase The Employee Benefits Fee, Extend The Term By Three Months To March 31, 2030, Add Approximately 1,636 Square Feet To SSP America Oak, LLC's Assigned Space At An Initial Monthly Rent Of \$9,648, Augment Methods For Establishing The Square Footage Of Each Unit, Formally Incorporate Two Units Into The Definition Of Assigned Space For HFF Oak Venture, LLC And SSP America Oak, LLC, Confirm Commencement Date For Payments Into The Marketing And Mid-Term Refurbishment Funds, Extend The Rent Commencement Dates On A Unit-By-Unit Basis, Authorize The Director Of Aviation To Approve Reimbursement Through Rent Credits For Certain Port Of Oakland-Required Improvements To Be Constructed By Concessionaires In An Amount Not To Exceed \$100,000 Per Unit, Require Each Concessionaire To Develop A Detailed Facility And Equipment Maintenance Plan, Waive The Prohibition Of Installing Game And Automated Vending Machines, Require Each Concessionaire To Develop, Produce And Deliver To The Port A Detailed Quarterly Business Report, And Restrict The Use Of TSA Prohibited Items In SSP America Oak, LLC's Peet's Coffee Near Gates 26 And 27 (Unit No. T2-Fb-G27).

**File ID:** [\[060-20\]](#)

**This Ordinance was approved.**

- 2.10 Ordinance 4546**, 2nd Reading Of An Ordinance Approving An Access License Agreement With The City Of San Leandro For \$500,000 In Consideration, And An Assignment Of Easement With Harbor Bay Isle Associates For No Monetary Consideration.

**File ID:** [\[061-20\]](#)

**This Ordinance was approved.**

- 2.11 Ordinance 4547**, 2nd Reading Of An Ordinance Amending Port Ordinance No. 867 To Create

The New Classification Of Chief Operating Officer.

File ID: [\[062-20\]](#)

**This Ordinance was approved.**

- 2.12 Minutes:** Approval of the Minutes of the Regular Meetings of November 21, 2019, December 12, 2019 and the Special Meeting of December 4, 2019. **(Board)**

File ID: [\[066-20\]](#)

**The Minutes were approved.**

- 2.13 Report:** Report of Appointments, Separations and Leaves of Absence for FY 2019-20, 2nd Quarter (October 1, 2019 - December 31, 2019). **(Finance & Admin)**

File ID: [\[033-20\]](#)

**This Report was received and filed.**

- 2.14 Report:** Comprehensive Annual Financial Report for Years Ended June 30, 2019 and 2018. **(Finance & Admin)**

File ID: [\[034-20\]](#)

**This Report was received and filed.**

### **3. MAJOR PROJECTS**

There were no "Major Projects" on the Agenda.

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

- 4.1 Report:** Unaudited Financials for 5 months ended November 30, 2019. **(Finance & Admin)**

File ID: [\[031-20\]](#)

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 Resolution:** (1) Authorize \$335,000 in Capital Budget to Implement an Airport Mapping and

Interactive Wayfinding (MAP) and Future Purchase of 20 Interactive Kiosks and Associated Computer Hardware at the Oakland International Airport and (2) Authorize the Executive Director to Execute Agreements with Art of Context, Inc. to License to Implement the MAP at a Cost Not to Exceed \$135,000 and Provide 7 Years of Software Licensing and 3rd Level Support for the MAP at a Cost Not to Exceed \$75,000 **(Aviation)**

**File ID:** [\[028-20\]](#)

Aviation Director, Bryant Francis, introduced Item 6.1.

Acting Director of Information Technology, Kyle Mobley, presented Item 6.1.

**A motion was made by Commissioner Colbruno, 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

- 6.2 Resolution:** (1) Authorize a Budget of \$1,082,000 for the Gate 9A Passenger Boarding Bridge Replacement Project and (2) Authorize Executive Director to Dispense with Standard Bidding Procedures and Enter into a Sole Source Agreement with JBT AeroTech for a Not-to-Exceed Amount of \$1,064,000. **(Aviation)**

**File ID:** [\[064-20\]](#)

Aviation Director, Bryant Francis, introduced Item 6.2.

Kristi McKenney, Assistant Aviation Director, presented Item 6.2.

**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

- 6.3 Resolution:** For the Electric Truck Charging Stations (ZANZEFF Grant) Project - Authorize the Executive Director to Enter into a Contract with Bockmon & Woody Electric Co., Inc. in an Amount Not-To-Exceed \$972,000; and Authorization to Dispense with Standard Bidding Procedures and Authorize the Executive Director to Award a Procurement Contract in an Amount Not-To-Exceed \$200,000 with Transportation Power, Inc. for 10 Charging Units. **(Engineering/Maritime)**

**File ID:** [\[012-20\]](#)

Maritime Director, John Driscoll, introduced Item 6.3.

Thanh Vuong, Principal Engineer, addressed the Board on Item 6.3.

Mary Richarson, Deputy Port Attorney IV, the Board on 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

## **7. UPDATES/ANNOUNCEMENTS**

Communications Director, Mike Zampa, presented three videos highlighting Jack London Square.

Commercial Real Estate Director, Pam Kershaw, introduced Joseph Dudley, the new Commercial Real Estate Rep V.

President Butner appointed Commissioners Leslie, Story and Colbruno to the Aviation Master Plan Ad Hoc Committee. He appointed Commissioners Cluver, Lee and Martinez to the Maritime Master Plan Ad Hoc Committee. Both of these committees will commence for one year to assist the Executive Director in the creation of the Port's Master Plan.

## **8. SCHEDULING**

There were no "Scheduling Items" on the Agenda.

## **OPEN FORUM**

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

Bishop Henry Williams

## **ADJOURNMENT**

There being no additional business, the Meeting was adjourned at the hour of 5:08 p.m.

Approved: February 13, 2020

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Daria Edgerly  
Secretary of the Board