



## MINUTES

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Thursday, February 13, 2020

Board Room – 2nd Floor

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### ROLL CALL

President Butner called the Regular Meeting of February 13, 2020 to order at the hour of 1:10 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 1:14 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): 2**

**File ID:** [\[090-20\]](#)

- 1.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -** (Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9): **Number of Matter(s): 2**

*City of Oakland, a municipal corporation, acting by and through its Board of Port Commissioners vs. Embarcadero Cove Enterprises, LLC, et al.; Alameda County Superior Court Case No.: RG18926153*

*Embarcadero Cove Enterprises LLC, United States Bankruptcy Court, Northern District of California Case No.: 18-42821 CN 7*

**File ID:** [\[091-20\]](#)

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

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

File ID: [\[093-20\]](#)

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

**Property:** All Retail and Duty Free Units, two Wine Bar Units, and In-Terminal Advertising Locations throughout Oakland International Airport, Oakland CA

**Negotiating Parties:** Potential Awardees of the RFPs for Retail, Duty Free and Wine Bar Units, and In-Terminal Advertising Concessions Opportunities at OAK and Port of Oakland

**Agency Negotiator:** Bryant L. Francis, Director of Aviation and Brandon J. Mark, Manager of Aviation Properties

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

**Property:** One Airport Drive, Oakland CA

**Negotiating Parties:** All Airlines at Oakland International Airport and Port of Oakland

**Agency Negotiator:** Bryant L. Francis, Director of Aviation

**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

**Property:** Property Located on Burma Road, Oakland, CA (Howard Terminal)

**Negotiating Parties:** Outfront Media, LLC and Port of Oakland

**Agency Negotiator:** Pamela Kershaw, Director of Commercial Real Estate

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

File ID: [\[092-20\]](#)

**OPEN SESSION/ROLL CALL**

President Butner called the Regular Meeting of February 13, 2020 to order in Open Session at the hour of 5: 01p.m.

**Present:** 6 - Commissioner Yui Hay Lee, Commissioner Arabella Martinez, Commissioner Joan Story, Second Vice-President Barbara Leslie, First Vice-President Andreas Cluver and President Ces Butner

**Excused:** 1 - Commissioner Michael Colbruno

**CLOSED SESSION REPORT**

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

**A motion was made by Commissioner Colbruno, seconded by Second Vice-President Leslie, to approve Resolution 20-09. The motion carried by the following vote:**

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

**Resolution 20-09:** Resolution Approving And Authorizing Execution Of A Settlement Agreement And Mutual Release With Laverne Wellens In The Alameda County Superior Court Matter, City of Oakland, A Municipal Corporation, Acting By And Through Its Board of Port Commissioners VS. Embarcadero Cove Enterprises, LLC ET AL., Case NO. RG18926153, In the Amount Of \$290,000.00 For The 5.29 Acres Of Property Located At One Embarcadero Cove in Oakland, California.

## **2. CONSENT ITEMS**

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

**A motion was made by Commissioner Story, seconded by Commissioner Lee, to approve the Consent Agenda. The motion carried by the following vote:**

**Ayes:**           **6** - Commissioner Lee, Commissioner Martinez, Commissioner Story, Second Vice-President Leslie, First Vice-President Cluver and President Butner

**Excused:**       **1** - Commissioner Colbruno

### **2.1 Building Permit:** for TraPac LLC for Installation of OCR Portal, 2800 7th Street, Berth 30 (Engineering)

**File ID:** [\[082-20\]](#)

**This Resolution was approved.**

### **2.2 Building Permit:** for Signature Flight Service for Roof Replacement, ~~8433~~ 7683 Earhart Road, Hangar ~~8~~ 9, OAK (Engineering)

**File ID:** [\[083-20\]](#)

**This Resolution was approved.**

### **2.3 Building Permit:** for Hertz Corporation for Installation of Canopies at Exit Booths, 7600 Earhart Road, RAC Facility, OAK

**File ID:** [\[084-20\]](#)

**This Resolution was approved.**

### **2.4 Building Permit:** for SSP America for Tenant Improvements, The District, 1 Airport Drive, OAK

**File ID:** [\[086-20\]](#)

**This Resolution was approved.**

- 2.5 Ordinance 4548:** 2nd Reading 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.

**File ID:** [\[094-20\]](#)

**This Ordinance was approved.**

- 2.6 Ordinance 4549:** 2nd Reading Of An Ordinance Authorizing And Approving A First Amendment To The Lease With Seafarer's Ministry Of The Golden Gate.

**File ID:** [\[095-20\]](#)

**This Ordinance was approved.**

- 2.7 Ordinance 4550:** 2nd Reading Of An Ordinance Approving And Authorizing 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 Monthly Rent Of \$1,538.00 And 4% Annual Increases Thereafter.

**File ID:** [\[096-20\]](#)

**This Ordinance was approved.**

- 2.8 Ordinance 4551:** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute An Amendment To Lease With GSC Logistics, Inc. To Expand Its Premises Located At 530 Water Street, 5th Floor, By An Additional Approximately 3,487 Square Feet 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 Its License And Concession Agreement For Ground Floor Office Space At 516 Water Street.

**File ID:** [\[097-20\]](#)

**This Ordinance was approved.**

- 2.9 Minutes:** Approval of the Minutes of the Regular Meeting of January 23, 2020. **(Board)**

**File ID:** [\[098-20\]](#)

**The Minutes were approved.**

### **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

- 5.1 Ordinance:** Enact the Ordinance Necessary to Amend the By-Laws and Administrative Rules of the Board of Port Commissioners ("Board") to Establish the General Rule that Future Ordinances Become Effective Upon Their Second Reading Unless Otherwise Provided in the Ordinance.  
**(Port Attorney)**

**File ID:** [\[075-20\]](#)

Port Attorney, Michele Heffes, introduced Item 5.1.

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

**Ayes:**           **6** - Commissioner Lee, Commissioner Martinez, Commissioner Story, Second Vice-President Leslie, First Vice-President Cluver and President Butner

**Excused:**      **1** - Commissioner Colbruno

- 5.2 PULLED:** ~~Report: Discussion of Proposed Action to Amend and Restate the Code of Conduct for Members of the Board of Port Commissioners in Resolution No. 01397 to Address Social Media Issues. (Port Attorney)~~

**File ID:** [\[078-20\]](#)

**This Report was pulled.**

- 5.3 Report:** Consideration of a Labor Peace Rule for Certain Operational Services Agreements Executed Pursuant to a Request for Proposal. **(SRD)**

**File ID:** [\[079-20\]](#)

Social Responsibility Director, Amy Tharpe, introduced Item 5.3.

Julina Bonilla, Workforce Development Manger, presented Item 5.3.

## 6. REMAINING ACTION ITEMS

- 6.1 Resolution:** Renewal and Amendment of Domestic and International Air Service Incentive Program Available to All Airlines Serving Oakland International Airport. **(Aviation)**

**File ID:** [\[063-20\]](#)

Aviation Director, Bryant Francis, introduced Item 6.1.

**A motion was made by First Vice-President Cluver, seconded by Commissioner Story,**

**that the Resolution be approved. The motion carried by the following vote:**

**Ayes:** 6 - Commissioner Lee, Commissioner Martinez, Commissioner Story, Second Vice-President Leslie, First Vice-President Cluver and President Butner

**Excused:** 1 - Commissioner Colbruno

- 6.2 Resolution:** Approve and Authorize the Executive Director to Execute a Change Order with Silman Industries in an Amount Not-To-Exceed \$64,028 for the 31 Webster Street Siding Replacement Project **(CRE)**

**File ID:** [\[077-20\]](#)

Commercial Real Estate Director, Pam Kershaw, introduced Item 6.2.

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

**Ayes:** 6 - Commissioner Lee, Commissioner Martinez, Commissioner Story, Second Vice-President Leslie, First Vice-President Cluver and President Butner

**Excused:** 1 - Commissioner Colbruno

- 6.3 Ordinance:** Enactment of an Ordinance to Amend Port Ordinance No. 867 to Set the Annual Salary for the Assistant Port Attorney Job Classification at \$285,000. **(Finance & Admin.)**

**File ID:** [\[089-20\]](#)

Port Attorney, Michele Heffes, introduced 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 Lee, Commissioner Martinez, Commissioner Story, Second Vice-President Leslie, First Vice-President Cluver and President Butner

**Excused:** 1 - Commissioner Colbruno

- 6.4 Ordinance:** Enactment of the Ordinance Necessary to Ratify and Set the Salary Increase and the Salaries for Certain Port of Oakland Non-Represented Employees in Port Employee Representation Unit H. **(Finance & Admin.)**

**File ID:** [\[088-20\]](#)

Executive Director, Danny Wan, introduced Item 6.4.

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

**Ayes:** 6 - Commissioner Lee, Commissioner Martinez, Commissioner Story, Second Vice-President Leslie, First Vice-President Cluver and President Butner

**Excused:**     **1** - Commissioner Colbruno

## **7. UPDATES/ANNOUNCEMENTS**

There were no Updates or Announcements.

## **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 5:27 p.m.

Approved: March 26, 2020

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Daria Edgerly  
Secretary of the Board