

J. CHRISTOPHER LYTLE
Executive Director

DANNY WAN
Port Attorney

ARNEL ATIENZA
Port Auditor

JOHN T. BETTERTON
Secretary of the Board

PORT OF OAKLAND

BOARD OF PORT COMMISSIONERS

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CESTRA BUTNER
President

ALAN S. YEE
First Vice-President

EARL HAMLIN
Second Vice-President

MICHAEL COLBRUNO
Commissioner

JAMES W. HEAD
Commissioner

BRYAN R. PARKER
Commissioner

VICTOR UNO
Commissioner

MINUTES

Meeting of the Board of Port Commissioners

January 23, 2014 – 1:00 p.m.

Board Room – 2nd Floor

ROLL CALL

President **Butner** called the Special Meeting of the Board for January 23, 2014 to Order at the hour of 1:00 pm. and the following Commissioners were in attendance:

Commissioner **Colbruno**, Commissioner **Head**, , Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.

Commissioner **Parker** was excused.

1. CLOSED SESSION

President **Butner** convened the Board in Closed Session at the hour of 1:01 p.m. to hear the following Closed Session Items:

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

Vicky Bliss and James Bliss v. Port of Oakland and Does 1 through 20, Inclusive; Alameda County Superior Court Case No. RG13667544

- 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 4 Matters)

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

Property: Oakland Army Base
Negotiating Parties: Port of Oakland and Various Parties

Agency Negotiator: Acting Director of Maritime, Jean Banker
Under Negotiation: Price and Terms of Tenancy

Property: Howard Terminal/Berths 67-68
Negotiating Parties: Port of Oakland and Various Parties
Agency Negotiator: Acting Director of Maritime, Jean Banker
Under Negotiation: Price and Terms of Tenancy

1.4 PUBLIC EMPLOYEE APPOINTMENT– (Pursuant to California Government Code Section 54956.7).

Title: Director of Maritime

ROLL CALL/OPEN SESSION

*President **Butner** reconvened the Open Session of the Meeting of the Board at 3:11 p.m., and the following Commissioners were in attendance*

Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.

Commissioner **Parker** was excused.

CLOSED SESSION REPORT

The Port Attorney reported that the Board had taken final action on three Items:

Resolution 13-150, Approving And Authorizing Settlement Of All Claims And Causes Of Action Brought By Abigail Kelly V. Port Of Oakland Et Al. Alameda County Superior Court Case No. RG12647385 (On 12.19/2013, Moved By Uno/Yee, Passed By 7 Ayes)

Resolution 14-1, Approving And Authorizing Settlement Of All Claims And Causes Of Action Brought By Vicky Bliss And James Bliss V. Port Of Oakland Et Al.. Alameda County Superior Court Case No. RG13667544 (Moved By Uno/Head, (Passed By 6 Ayes/ 1 Excused: Parker)

*On A **Motion** By Commissioner **Head**, Seconded By Vice-President **Hamlin**, The Board Unanimously Ratified The Appointment Of John Driscoll To The Position Of Director Of Maritime. (6 Ayes, 1 Excused: Parker)*

2. CONSENT ITEMS

The Board Secretary introduced the Consent Items.

*A Motion to approve Consent Items was made by Commissioner **Uno** and seconded by Vice-President **Hamlin**.*

- 2.1 **Resolution 14-2:** Approval of Amended and Restated Port of Oakland IRC Section 125 Flexible Spending Plan and IRC Section 132 Commuter Reimbursement Plan **(Finance/CAS)**
- 2.2 **Resolution 14-3:** Cancellation of Port Associate Engineer (Electrical & Mechanical Work) Eligible List **(Finance/CAS)**
- 2.3 **Resolution 14-4:** Deletion of One (1) Position of Port Senior Auditor and the Addition of One (1) Position of Port Associate Auditor in the Office of Audit Services to the Fiscal Year 2013-2014 Budget and Staffing Plan **(Finance/CAS)**
- 2.4 **Resolution 14-5:** Approval of First Supplemental Consultant Service Agreement for ARCADIS, U.S., Inc., to Monitor Hazardous Materials During Development at the Oakland Army Base **(Environmental)**
- 2.5 **Resolution 14-6:** Authorization and Approval of the Retention of the Fenwick & West LLP Law Firm as Special Counsel in Connection with Employment Matters **(Port Attorney)**
- 2.6 **Resolution 14-7:** Approval of Increase to Port Attorney Budget Authority for Special Litigation Defense Counsel Schnader Harrison Segal & Lewis in the Matter of CMC Food Services LLC and NNF Grewal, Inc. v. Port of Oakland, Alameda County Superior Court No. RG13685134 **(Port Attorney)**
- 2.7 **Ordinance 4276:** Agreement with Everport Terminal Services, Inc., for approximately 15 acres of land at Berth 34, and up to an additional 29 acres of land at Berth 33 and 34, through June 30, 2018 **(Maritime)**
- 2.8 **Resolution 14-8:** Building Permit Application: Landmark Aviation - Repair of sewer lateral from Executive Terminal, 8633 Earhart Road (L-550) **(Engineering)**
- 2.9 **Ordinance No. 4272,** 2nd Reading Of An Ordinance Amending Port Ordinance No. 867 To Create The New Classifications Of Director Of Communications And Principal Assistant To The Executive Director.

The Board Secretary called out a mistake on the December 19th Board Minutes.

- 2.10 **Minutes:** Approval of the Minutes of the Special Meeting of December 2, 2013, Regular Meeting of December 12, 2013 and the Special Meeting of December 19, 2013. **(Board Secretary)**
- 2.11 **Report:** Report of Appointments, Separations and Leaves of Absence for FY 2013-14 2nd Quarter (October 1, 2013 – December 31, 2013) **(Finance/CAS)**

*The Motion to approve the Consent Items passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Head**, 2nd Vice-President **Hamlin**, Commissioner **Uno**, 1st Vice President **Yee** and President **Butner**. (1) Excused: Commissioner Parker.*

3. MAJOR PROJECTS

There were no Major Projects items.

4. BUDGET & FINANCE

Chief Financial Officer, Sara Lee, reported on Item **4.1**.

4.1 Report: Unaudited Financials for 5 months ended November 30, 2013

5. STRATEGY & POLICY

There were no Strategy & Policy Items.

6. REMAINING ACTION ITEMS

Item 6.1 was pulled at the direction of President **Butner** and directed to be brought back to the next Regular Meeting.

6.1 PULLED: ~~Authorization to Enter Into a Professional Services Agreement With Schneider Electric Buildings Americas, Inc. For Implementation of the Maritime Domain Awareness Enhancement Project~~ **(Maritime)**

Acting Director of Maritime, Jean Banker, reported on Item **6.2**.

A Motion to approve Item 6.2 was made by Vice-President Uno, and seconded by Vice-President Yee.

6.2 Resolution 14-9: Authorization to Waive Delinquency Charges for Oakland International Container Terminal (Berths 57-59) and Ben E. Nutter Terminal (Berths 35-37) Associated with Late Payments for Contract Years ending 2012 and 2013, Respectively. **(Maritime)**

The Motion to approve Item 6.2 passed by the following votes: (6) Ayes: Commissioner Colbruno, Commissioner Head, 2nd Vice-President Hamlin, Commissioner Uno, 1st Vice President Yee and President Butner. (1) Excused: Commissioner Parker.

The Director of Commercial Real Estate, Pamela Kershaw, reported on Item **6.3**.

A Motion to approve Item 6.3 was made by Vice-President Yee, and seconded by Commissioner Uno.

6.3 Ordinance 4277: Approval of a 5% Increase to Target Rental Rates and Holdover Rental Rates for the Commercial Real Estate Division Portfolio of Properties **(CRE)**

The Motion to approve Item 6.3 passed by the following votes: (6) Ayes: Commissioner Colbruno, Commissioner Head, 2nd Vice-President Hamlin, Commissioner Uno, 1st Vice President Yee and President Butner. (1) Excused: Commissioner Parker.

7. UPDATES/ANNOUNCEMENTS

Vice-President **Yee** reported on the work of the Howard Terminal Lease Ad Hoc Committee and the Oakland Airport Concessions Litigation Ad Hoc Committee.

President **Butner** reappointed the members of the Howard Terminal Ad Hoc Committee and extended the term of the Committee until March 31st, 2014.

Vice-President **Yee** reappointed the members of the Oakland Airport Concessions Litigation Ad Hoc Committee and extended the term of the Committee through the end of the fiscal year.

8. SCHEDULING

There were no Scheduling Items.

OPEN FORUM

There were no speakers in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 3:52 p.m.

**John Betterton, Secretary
Board of Port Commissioners**

Date

J. CHRISTOPHER LYTLE
Executive Director

DANNY WAN
Port Attorney

ARNEL ATIENZA
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JOHN T. BETTERTON
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JAMES W. HEAD
Commissioner

BRYAN R. PARKER
Commissioner

VICTOR UNO
Commissioner

MINUTES

Meeting of the Board of Port Commissioners February 13, 2014 – 1:00 p.m.

ROLL CALL

*President **Butner** called the Regular Meeting of the Board for February 13, 2014 to Order at the hour of 1:05 pm. and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

1. CLOSED SESSION

*President **Butner** convened the Board in Closed Session at the hour of 1:06 p.m. to hear the following Closed Session Items:*

President **Butner** recused himself on Item 1.1 and took no part in the discussion of the Item and was not in the room during the discussion.

1.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Paragraph (1) of Subdivision (d) of California Code Section 54956.9):

CMC Food Services LLC and NNF Grewal, Inc., v. Port of Oakland, et al.; Alameda County Superior Court Case No.: RG13685134

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 **3 matters**)

1.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Pursuant to California Government Code Section 54956.8):

Property: Oakland Army Base
Negotiating Parties: Port of Oakland and Various Parties

Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

Property: Howard Terminal/Berths 67-68
Negotiating Parties: Port of Oakland and Various Parties
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

Property: Berths 55-59
Negotiating Parties: Port of Oakland, SSA Terminals LLC and SSA Terminals (Oakland) LLC
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

1.4 ~~PULLED PUBLIC EMPLOYEE PERFORMANCE EVALUATION~~ (Pursuant to California Government Code Section 54957)

Title: Port Attorney

ROLL CALL/OPEN SESSION

*President **Butner** reconvened the Open Session of the Meeting of the Board and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

CLOSED SESSION REPORT

The Port Attorney reported that the Board had taken action on four Items heard at previous Closed Sessions, which had since become final:

At the Board Meeting of 11/14/2013

Resolution 13-114, Approving And Authorizing Settlement Concerning The Dispute Between The Port Of Oakland And IFPTE Local 21 involving Management Leave/Overtime

At the Board Meeting of 12/2/2013

Resolution 13-134, Approving And Authorizing Execution Of A Settlement Agreement And Release Of Claims With Employee 400042.

Resolution 13-135, Approving And Authorizing Execution Of A Settlement Agreement And Release Of Claims With Employee 4000312.

Resolution 13-136, Approving And Authorizing Execution Of A Settlement Agreement And Release Of Claims With Employee 400861.

2. CONSENT ITEMS

The Board Secretary introduced the Consent Items.

*A Motion to approve the Consent Items was made by Vice-President **Yee** and seconded by Vice-President **Hamlin**.*

- 2.1 Resolution 14-10:** Approval of Third Supplemental Agreement with Leidos, Inc. to Provide Environmental Consulting Services for the Port of Oakland in the Amount of \$200,000 Earmarked for Cleanup of the Berth 57 Well UO1-8 Chlorinated Solvent Site **(Environmental)**

Item **2.2** was pulled on the recommendation of the Executive Director.

- 2.2 PULLED Resolution:** ~~Amendment to Resolution No. 13-146 to add language finding that the Principal Assistant to the Executive Director and the Director of Communications Classifications are exempt from the civil service system. **(Finance/Administration)**~~
- 2.3 Resolution 14-11:** Amendment to Resolution No. 13-146 to change the deletion date in the Fiscal Year 2013-2014 Budget and Staffing Plan for one (1) position of Port Labor Advisor from the close of business on January 31, 2014 to the close of business on June 30, 2014. **(Finance/Administration)**
- 2.4 Minutes:** Approval of the Minutes of the Regular Meeting of January 23, 2014. **(Board Secretary)**
- 2.5 Ordinance No. 4273,** 2nd Reading of an Ordinance Authorizing The Executive Director To Enter Into Various Temporary And Long Term Easements With The City Of Oakland At The Former Oakland Army Base.
- 2.6 Ordinance No. 4274,** 2nd Reading of an Ordinance Amending Section 9 Of Port Ordinance No. 3634 Relating To Charges For Use Of Facilities At Oakland International Airport, North Field.
- 2.7 Ordinance No. 4275,** 2nd Reading of an Ordinance Approving And Authorizing Five-Year Extensions Of 162 Existing Agreements With General Aviation Tenants At Oakland International Airport.
- 2.8 Ordinance No. 4276,** 2nd Reading of an Ordinance Approving The Non-Exclusive Preferential Assignment Agreements With Everport Terminal Services Inc., For Approximately 15 Acres Of Land At Berth 34, And Up To An Additional 29 Acres Of Land At Berth 33 And 34, Through June 30, 2018.
- 2.9 Ordinance No. 4277,** 2nd Reading of an Ordinance Approving A 5% Increase To Target Rental Rates And Holdover Rents For Properties In The Commercial Real Estate Division Portfolio And Authorizing The Executive Director To Negotiate And Execute Agreements Or Adjust Existing Agreements.

*The Motion to approve the Consent Items passed by the following votes: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

The following Items were taken out of order:

Port Principal Engineer, Imee Osantowski, Social Responsibility Director, Amy Tharpe, and the Director of Environmental Programs and Planning, Richard Sinkoff presented Item **3.2** and **3.3**.

3.2 Report: Oakland Army Base Major Project Update (**Maritime**)

*A Motion to approve Item **3.3** was made by Commissioner **Parker**, and seconded by Vice-President **Hamlin** - with additional language adding to the Exclusive Negotiating Agreement, Paragraph 1.01 (Parameters for Negotiations) a new item: (M) Community Benefits Approach.*

3.3 Resolution 14-12: Authorize an Exclusive Negotiating Agreement with Prologis and California Capital and Investment Group for the Redevelopment of the Former Oakland Army Base. (**Maritime**)

The following people addressed the Board on Items **3.2** and **3.3**: Brandon McDonnell, Brian Woodson, Shirley Burrell, Brandon Sturdivant, E.J. Davia, Kate O'Hara and Greg McConnell

*The Motion to approve Item **3.3** (with the amendment to the Parameters for Negotiations) passed by the following votes: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

Senior Maritime Projects Administrator, Delphine Prevost, presented Item **6.4**.

*A Motion to approve Item **6.4** was made by Vice-President **Yee**, and seconded by Vice-President **Uno**. The Motion was withdrawn, and Commissioner **Head**, seconded by Vice-President **Hamlin**, made a new Motion to continue the Item until the next Regular Meeting of the Board (February 27th).*

*Alex Cherin, Jim Wolff, John Siegel, Jackie Lynn Ray and Grant Forsha addressed the Board on Item **6.4**.*

6.4 Continued: ~~Rejection of All Proposals Received In Response to Request for Proposals (RFP) No. 13-14/06 for Lease of the Charles P. Howard Terminal (Berths 67-68)~~ (**Maritime**)

*A Motion to continue Item 6.4 to the next Regular Meeting passed (6) Ayes: Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**; (1) No Commissioner **Colbruno***

*A Motion to approve Item 6.5 was made by Commissioner **Head**, and seconded by Vice-President **Yee**.*

Maritime Security Projects Administrator, Eric Napralla, reported on Item **6.5**.

- 6.5 Resolution 14-13:** Authorization to Enter Into a Professional Services Agreement With Schneider Electric Buildings Americas, Inc. To Implement the Maritime Domain Awareness Enhancement Project (**Maritime**)

*The Motion to approve Item 6.5 passed by the following votes: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

Commissioner **Uno** left the meeting at 5:37 p.m.

3. MAJOR PROJECTS

Tom Dunscombe, Bay Area Rapid Transit, Airport Connector Project Manager, Presented Item **3.1**.

- 3.1 Report:** BART Connector Major Project Update (**Aviation**)

4. BUDGET & FINANCE

There were no "Budget & Finance" Items.

5. STRATEGY & POLICY

Board Secretary, John Betterton and the Founder of Post Code, Cris Cristina, introduced Item 5.1.

- 5.1 Report:** PostCode Presentation On RecordTrac, A Code For America Project For the City Of Oakland's Public Records Requests. (**Board Secretary**)

6. REMAINING ACTION ITEMS

Commercial Real Estate Director, Pam Kershaw, introduced Items **6.1** and **6.2**.

*A Motion to approve Item 6.1 was made by Commissioner **Parker**, and seconded by Vice-President **Hamlin**.*

- 6.1 Ordinance 4287:** Approval of a License and Concession Agreement with Transfer Case Express, Inc. for the Premises Located at 1285 Embarcadero Road, Oakland (**CRE**)

*The Motion to approve Item 6.1 passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**; (1) Excused Commissioner **Uno**.*

*A Motion to approve Item 6.2 was made by Commissioner **Colbruno**, and seconded by Commissioner **Head**.*

- 6.2 Ordinance 4279:** Approval of a License & Concession Agreement with Hadal, Inc. for the Premises Located at 1363 Embarcadero Road (**CRE**)

*The Motion to approve Item 6.2 passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**; (1) Excused Commissioner **Uno**.*

Aviation Director, Deborah Ale-Flint, introduced Item **6.3**.

*A Motion to approve Item 6.3 was made by Vice-President **Yee**, and seconded by Vice-President **Hamlin**.*

- 6.3 Ordinance 4280:** Approve Proposed Modification to the Air Service-Parking Promotion within Specified Parameters and Amend Port Ordinance 2613, As Amended (**Aviation**)

*The Motion to approve Item 6.3 passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**; (1) Excused Commissioner **Uno**.*

7. UPDATES/ANNOUNCEMENTS

There were no "Updates or Announcements".

8. SCHEDULING

There were no "Scheduling" items.

OPEN FORUM

There were no speakers in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 6:08 p.m.

John Betterton, Secretary
Board of Port Commissioners

Date

J. CHRISTOPHER LYTLE
Executive Director

DANNY WAN
Port Attorney

ARNEL ATIENZA
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Commissioner
VICTOR UNO
Commissioner

MINUTES

Meeting of the Board of Port Commissioners
February 27, 2014 – 1:00 p.m.
Board Room – 2nd Floor

ROLL CALL

*President **Butner** called the Regular Meeting of the Board for February 27, 2014 to Order at the hour of 1:01 pm. and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

1. CLOSED SESSION

*President **Butner** convened the Board in Closed Session at the hour of 1:02 p.m. to hear the following Closed Session Items:*

President **Butner** recused himself on Item 1.1 and took no part in the discussion of the Item and was not in the room during the discussion.

1.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Paragraph (1) of Subdivision (d) of California Code Section 54956.9):

CMC Food Services LLC and NNF Grewal, Inc., v. Port of Oakland, et al.; Alameda County Superior Court Case No.: RG13685134

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 **2 matters**)

1.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Pursuant to California Government Code Section 54956.8):

Property: Oakland Army Base
Negotiating Parties: Port of Oakland and Various Parties
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

PULLED

Property: ~~Howard Terminal/Berths 67-68~~
Negotiating Parties: ~~Port of Oakland and Various Parties~~
Agency Negotiator: ~~Director of Maritime, John Driscoll~~
Under Negotiation: ~~Price and Terms of Tenancy~~

1.4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION – (Pursuant to California Government Code Section 54957)

Title: Port Attorney

ROLL CALL/OPEN SESSION

*President **Butner** reconvened the Open Session of the Regular Meeting of the Board and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

CLOSED SESSION REPORT

The Port Attorney reported that no final action was taken in Closed Session.

2. CONSENT ITEMS

The Assistant Board Secretary introduced the Consent Items.

*A Motion to approve the Consent Items was made by Commissioner **Parker** and seconded by Vice-President **Hamlin**.*

- 2.1 Ordinance 4281:** Approval Of A Short Term Rental Agreement With The University Of California At Berkeley For A Greenhouse Gas Air Monitor On The Roof Of 530 Water Street (**Environmental**)
- 2.2 Resolution 14-14:** Resolution Consenting To Short-Term Sublease By DTG Operations, Inc. To Enterprise Rent-A-Car Company Of San Francisco (**Aviation**)
- 2.3 Ordinance No. 4278,** 2nd Reading Of An Ordinance Approving Terms And Conditions Of And Authorizing Approval And Execution Of A License And Concession Agreement With Transfer Case Express, Inc. For The Premises Located At 1285 Embarcadero Road At A Monthly Rental Rate Of \$3,500.00.

- 2.4 **Ordinance No. 4279**, 2nd Reading Of An Ordinance Approving Terms And Conditions Of And Authorizing Approval And Execution Of A License And Concession Agreement With Hadal, Inc. For The Premises Located At 1363 Embarcadero Road At A Monthly Rental Rate Of \$9,560.74.
- 2.5 **Ordinance No. 4280**, 2nd Reading Of An Ordinance Amending Port Ordinance 2613 And Approving The Modification To The Air Service Parking Promotion Program.
- 2.6 **Report: Quarterly Report Of Construction Change Orders For 2nd Quarter FY 13/14 (Engineering)**

*The Motion to approve the Consent Items passed by the following votes: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

The following Items were taken out of order:

Aviation Director, Deborah Ale-Flint, introduced Item **6.4**.

*A Motion to approve Item **6.4** was made by Commissioner **Uno**, and seconded by Vice-President **Yee**.*

- 6.4 **Resolution 14-18: Resolution Adopting A Labor Peace Agreement Policy For Airport Concession Tenancy Agreements (Aviation)**

Lian Alan, Willie Cook, Njambi Mungai and Adrian J. Sawyer addressed the Board on Item **6.4**.

*The Motion to approve Item **6.4** passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin** and 1st Vice President **Yee** (1) Abstain: President **Butner**.*

Senior Maritime Projects Administrator, Delphine Prevost, presented Item **6.5**.

*A Motion to approve Item **6.5** was made by Vice-President **Yee** and seconded by Commissioner **Colbruno**.*

- 6.5 **Resolution 14-19: Rejection Of All Proposals Received In Response To Request For Proposals (RFP) No. 13-14/06 For Lease Of The Charles P. Howard Terminal (Berths 67-68) (Maritime)**

Kate O'Hare, Bill Pinkham, Spencer Veale, Pierce Powell, Stephanie Tidwell, Jackie Lynn Ray, Jessica Helter, Julie Moyer, Susan Harmon, Lai Wa Wu, Margaret Gordon, Jess Ackerman, Jeanine Saperstein, Sunny Saperstein, Beth Napier, Vivian Kalm, David McCoard, Andy Katz, Josh Nelson, Jed Holtzman, John Riemann, Jessica Loane, Kristen Schwind, Ben Keller, Alex Cherin, James Wolf and Gary Knecht

The Motion to approve Item 6.5 passed by the following votes: (7) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Yee and President Butner.

3. MAJOR PROJECTS

There were no Major Project Items.

Commissioner **Head** left the meeting at 4:35 p.m.

4. BUDGET & FINANCE

Chief Financial Officer, Sara Lee, reported on Item 4.1.

- 4.1 **Report:** Unaudited Financials For 6 Months Ended December 31, 2013 Including Capital Expenditure Report

5. STRATEGY & POLICY

Port Associate Environmental Scientist, Tim Leong, presented Item 5.1.

- 5.1 **Report:** Maritime Air Quality Improvement Plan (MAQUIP) Progress Report (Environmental)

6. REMAINING ACTION ITEMS

Remaining Action Items are items not previously addressed in this Agenda that may require staff presentation and/or discussion and information prior to action by the Board.

Commercial Real Estate Director, Pam Kershaw, introduced Item 6.1.

A Motion to approve Item 6.1 was made by Commissioner Colbruno, and seconded by Vice-President Hamlin.

- 6.1 **Ordinance 4282 & 4283:** Approval Of An Amendment To The Waterfront Hotel Lease To Include The Premises Located At 489 Water Street, Oakland (CRE)

The Motion to approve Item 6.1 passed by the following votes: (6) Ayes: Commissioner Colbruno, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Yee and President Butner; (1) Excused Commissioner Head.

Aviation Director, Deborah Ale-Flint, introduced Items 6.2 and 6.3.

A Motion to approve Item 6.2 was made by Vice-President Yee, and seconded by Commissioner Uno.

- 6.2 **Resolution 14-15:** Budget Authorization To Rehabilitate The Ground Transportation Parking Lot, North Field, OAK, \$300,000 (Aviation)

The Motion to approve Item 6.2 passed by the following votes: (6) Ayes: Commissioner Colbruno, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Yee and President Butner; (1) Excused Commissioner Head.

A Motion to approve Item 6.3 was made by Commissioner Colbruno, and seconded by Vice-President Hamlin.

6.3 Resolution 14-16 & 14-17: Authorizations Relating To Demolition Of Unused North Field Airport Traffic Control Tower, Oakland International Airport **(Aviation)**

The Motion to approve Item 6.2 passed by the following votes: (6) Ayes: Commissioner Colbruno, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Yee and President Butner; (1) Excused Commissioner Head.

7. UPDATES/ANNOUNCEMENTS

Vice-President Hamlin reported on the California Maritime Leadership Symposium.

Aviation Director, Deborah Ale Flint reported on the dedication of the Bessie Coleman Drive Dedication.

8. SCHEDULING

There were no Scheduling items.

OPEN FORUM

Ken Houston, Len Turner, Soo Zee Park, Robert A.D. Schwartz and Debbie Hauser

ADJOURNMENT

There being no additional business the Board adjourned at 5:33 p.m.

**Daria Edgerly, Assistant Secretary
Board of Port Commissioners**

Date

J. CHRISTOPHER LYTLE
Executive Director

DANNY WAN
Port Attorney

ARNEL ATIENZA
Port Auditor

JOHN T. BETTERTON
Secretary of the Board

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VICTOR UNO
Commissioner

MINUTES

Meeting of the Board of Port Commissioners

March 13, 2014 – 1:00 p.m.

Board Room – 2nd Floor

ROLL CALL

President **Butner** called the Regular Meeting of the Board for March 13, 2014 to Order at the hour of 1:05 p.m. and the following Commissioners were in attendance:

Commissioner **Colbruno**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.

Commissioner **Head** joined the meeting at 1:30 p.m.

1. CLOSED SESSION

President **Butner** convened the Board in Closed Session at the hour of 1:05 p.m. to hear the following Closed Session Items:

1.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Paragraph (1) of Subdivision (d) of California Code Section 54956.9):

CMC Food Services LLC and NNF Grewal, Inc., v. Port of Oakland, et al.; Alameda County Superior Court Case No.: RG13685134

1.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Pursuant to California Government Code Section 54956.8):

Property: LP10-inch and 12-inch Pipelines in Port of Oakland Offshore (approximately 23,674 linear feet) and Onshore (approximately 37,342 linear feet) as well as Metering Station (approximately 14,400 square feet) and Cathodic Protection Area (approximately 2,000 square feet) – Airport Perimeter Dike

Negotiating Parties: Port of Oakland and SFPP, L.P.

Agency Negotiator: Director of Aviation, Deborah Ale Flint
Under Negotiation: Price and Terms

Property: Oakland Army Base
Negotiating Parties: Port of Oakland and Various Parties
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

Property: Howard Terminal/Berths 67-68
Negotiating Parties: Port of Oakland and Various Parties
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

ROLL CALL/OPEN SESSION

*President **Butner** reconvened the Open Session of the Regular Meeting of the Board at 3:00 p.m. and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

CLOSED SESSION REPORT

The Port Attorney reported that no final actions were taken in Closed Session.

2. CONSENT ITEMS

The Board Secretary introduced the Consent Items.

*A Motion to approve the Consent Items was made by Commissioner **Parker** and seconded by Vice-President **Yee**.*

Ron Brown, President of Local 21, addressed the Board on Item **2.1**.

- 2.1 Resolution 14-20:** Resolution Finding That Certain Port Positions To Be Exempt From Civil Service Rules And System, And Designating "Department Heads" Pursuant To City Charter. **(Legal)**
- 2.2 Minutes:** Approval Of The Minutes Of the Regular Meeting Of February 13, 2014. **(Board Secretary)**
- 2.3 Ordinance No. 4281,** 2nd Reading Of An Ordinance Approving Terms And Conditions Of And Authorizing Approval And Execution Of A Short Term Agreement With The University Of California At Berkeley For A Greenhouse Gas Monitor On The Roof Of 530 Water Street For A Five Year Term At No Monthly Rental Rate.

- 2.4 **Ordinance No. 4282**, 2nd Reading Of An Ordinance Approving An Amendment To The Waterfront Hotel Lease To Include The Premises Located At 489 Water Street, Oakland, California For \$154,503.75 In Revenue To The Port Of Oakland For The First 10-Years.

*The Motion to approve the Consent Items passed by the following votes: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

3. MAJOR PROJECTS

There were no “Major Project” Items.

4. BUDGET & FINANCE

There were no “Budget & Finance” Items.

5. STRATEGY & POLICY

There were no “Strategy & Policy” Items.

6. REMAINING ACTION ITEMS

Commercial Real Estate Director, Pam Kershaw, introduced Items **6.1** and **6.2**.

*A Motion to approve Item **6.1** was made by Vice-President **Yee**, and seconded by Commissioner **Colbruno**.*

Dean Robinson, of Ellis Partners, addressed the Board on Item **6.1**.

- 6.1 **Ordinance 4283**: Approval Of An Amendment To The Ground Lease For 98 Broadway (CRE)

*The Motion to approve Item **6.1** passed by the following votes: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

*A Motion to approve Item **6.2** was made by Vice-President **Yee**, and seconded by Commissioner **Colbruno**.*

- 6.2 **Resolution 14-21**: Approval Of A Building Maintenance Service Agreement for 530 Water Street And Certain Other Port-Owned Real Estate Assets in Jack London Square (CRE)

*The Motion to approve Item **6.2** passed by the following votes: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

7. UPDATES/ANNOUNCEMENTS

President Butner reported on the Ground Breaking Ceremony for the Brooklyn Basin project and the Port's attendance at the 2014 Trans Pacific Maritime (TPM) Conference in Long Beach.

8. SCHEDULING

There were no "Scheduling" Items.

OPEN FORUM

There were no speakers in "Open Forum".

ADJOURNMENT

There being no additional business the Board adjourned at 3:21 p.m.

**John Betterton, Secretary
Board of Port Commissioners**

Date

J. CHRISTOPHER LYTLE
Executive Director

DANNY WAN
Port Attorney

ARNEL ATIENZA
Port Auditor

JOHN T. BETTERTON
Secretary of the Board

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JAMES W. HEAD
Commissioner

BRYAN R. PARKER
Commissioner

VICTOR UNO
Commissioner

MINUTES

Meeting of the Board of Port Commissioners

March 27, 2014 – 1:00 p.m.

ROLL CALL

*President **Butner** called the Regular Meeting of the Board for March 27, 2014 to Order at the hour of 1:04 p.m. and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

*Commissioner **Head** was excused.*

1. CLOSED SESSION

*President **Butner** convened the Board in Closed Session at the hour of 1:05 p.m. to hear the following Closed Session 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 4 matters)

1.2 THREAT TO PUBLIC SERVICES OR FACILITIES – (Pursuant to California Government Code Section 54957).

Consultation with: Michael O'Brien
Port Facilities Security Officer

1.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Pursuant to California Government Code Section 54956.8):

Property: Oakland Army Base
Negotiating Parties: Port of Oakland and Various Parties
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

Property: One Market Street, Oakland, California
Negotiating Parties: Port of Oakland and Oakland Waterfront Ballpark, LLC
Agency Negotiator: Director of Commercial Real Estate, Pamela Kershaw
Under Negotiation: Price and Terms

ROLL CALL/OPEN SESSION

*President **Butner** reconvened the Open Session of the Regular Meeting of the Board at 3:36 p.m. and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

*Commissioner **Head** was excused.*

CLOSED SESSION REPORT

The Port Attorney reported that no final actions were taken in Closed Session.

2. CONSENT ITEMS

The Board Secretary introduced the Consent Items.

*A Motion to approve the Consent Items was made by Commissioner **Colbruno** and seconded by Commissioner **Uno**.*

- 2.1 **Resolution 14-22:** Cancellation of Port Assistant Engineer (Civil Work) Eligible List **(Finance & Admin)**
- 2.2 **Resolution 14-23:** Authorization to Enter Into An Agreement For Additional Implementation Services For The Utility Billing Software **(Engineering)**
- 2.3 **Ordinance 4284:** Authorize The Executive Director To Extend The Lease With BNSF Railway Company For The Joint Intermodal Terminal Through September 30, 2014 **(Maritime)**
- 2.4 **Minutes:** Approval Of The Minutes Of the Regular Meeting Of February 27, 2014. **(Board Secretary)**
- 2.5 **Ordinance No. 4283,** 2nd Reading Of An Ordinance Approving And Authorizing Execution Of An Amendment To The Ground Lease For 98 Broadway.

*The Motion to approve the Consent Items passed by the following votes: **(6) Ayes:** Commissioner **Colbruno**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**; **(1) Excused:** Commissioner **Head**.*

3. MAJOR PROJECTS

There were no “Major Project” Items.

4. BUDGET & FINANCE

Chief Financial Officer, Sara Lee, reported on Items **4.1** and **4.2**.

4.1 Report: FY 2015 Operating and Capital Budget Update #1

4.2 Report: Unaudited Financials for 7 months ended January 31, 2014

5. STRATEGY & POLICY

There were no “Strategy & Policy” Items.

6. REMAINING ACTION ITEMS

Commercial Real Estate Director, Pam Kershaw, introduced Items **6.1** and **6.2**.

*A Motion to approve Item **6.1** was made by Commissioner **Colbruno**, and seconded by Vice-President **Hamlin**.*

6.1 Ordinance 4285: Approval of a Lease with Restaurants Unlimited, Inc. for the Premises Located at 1 Franklin Street, Oakland, CA (**CRE**)

*The Motion to approve Item **6.1** passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**; (1) Excused: Commissioner **Head**.*

*A Motion to approve Item **6.2** was made by Vice-President **Yee**, and seconded by Commissioner **Uno**.*

The following individuals addressed the Board on Item **6.2**: Andreas Cluver, John Hansen, Eric saver, Doug Bloch, Bryan Cauwels, Jorge Leon, Mike Davie, Vivian Kahn, Ric Gagliardi, Jerry Iserson and Mike Ghielmetti.

6.2 Resolution 14-24: Approval of an Exclusive Negotiating Agreement with Oakland Waterfront Ballpark, LLC for the Charles P. Howard Terminal Premises Located at 1 Market Street, Oakland (**CRE**)

The Motion to approve Item 6.2 passed by the following votes: (5) Ayes: Commissioner Colbruno, Commissioner Parker, Commissioner Uno, 1st Vice President Yee and President Butner; (1) Abstained: 2nd Vice President Hamlin; Excused: Commissioner Head.

A Motion to approve Item 6.3 was made by Commissioner Colbruno, and seconded by Commissioner Uno.

- 6.3 Resolution 14-25:** Extension of Security Services Contract with ABC Security Service, Inc. for Middle Harbor Shoreline Park through December 31, 2014 **(Maritime)**

The Motion to approve Item 6.3 passed by the following votes: (6) Ayes: Commissioner Colbruno, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Yee and President Butner; (1) Excused: Commissioner Head.

7. UPDATES/ANNOUNCEMENTS

Commissioner Uno reported on the Port's participation in the Oakland Running Festival.

The Director of the Social Responsibility Division, Amy Tharpe, introduced a new a Port Assistant Management Analyst, Luana España.

8. SCHEDULING

There were no "Scheduling" Items.

OPEN FORUM

There were no speakers in "Open Forum".

ADJOURNMENT

There being no additional business the Board adjourned at 5:23 p.m.

**John Betterton, Secretary
Board of Port Commissioners**

Date

J. CHRISTOPHER LYTLE
Executive Director

DANNY WAN
Port Attorney

ARNEL ATIENZA
Port Auditor

JOHN T. BETTERTON
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Commissioner
BRYAN R. PARKER
Commissioner
VICTOR UNO
Commissioner

MINUTES

Meeting of the Board of Port Commissioners April 10, 2014 – 1:00 p.m.

ROLL CALL

President **Butner** called the Regular Meeting of the Board for April 10, 2014 to Order at the hour of 1:00 p.m. and the following Commissioners were in attendance:

Commissioner **Colbruno**, Commissioner **Head**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**

Commissioner **Uno** joined the meeting at 1:51 pm and Commissioner **Parker** joined the meeting at 2:25 pm.

1. CLOSED SESSION

President **Butner** convened the Board in Closed Session at the hour of 1:15 p.m. to hear the following Closed Session Items:

1.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Paragraph (1) of Subdivision (d) of California Code Section 54956.9):

CMC Food Services LLC and NNF Grewal, Inc., v. Port of Oakland, et al.; Alameda County Superior Court Case No.: RG13685134

1.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Pursuant to California Government Code Section 54956.8):

Property: A Portion of Roundhouse Area
Negotiating Parties: Port of Oakland and CVAG
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Lease

Property: Oakland Army Base

Negotiating Parties: Port of Oakland and Various Parties
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

- 1.3 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** (Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of California Government Code Section 54956.9 1 matter)

ROLL CALL/OPEN SESSION

*President **Butner** reconvened the Open Session of the Regular Meeting of the Board at 3:06 p.m. and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

CLOSED SESSION REPORT

The Port Attorney reported that no final actions were taken in Closed Session.

2. CONSENT ITEMS

The Board Secretary introduced the Consent Items.

*A Motion to approve the Consent Items was made by Commissioner **Uno** and seconded by Vice-President **Yee**.*

- 2.1 **Resolution 14-26:** Authorize Acceptance of a Boeing 727-200 Aircraft Gifted from the Federal Express Corporation and Disposal of Existing Port-Owned Boeing 727-100 Aircraft Previously Gifted to the Port by the Federal Express Corporation (**Aviation**)
- 2.2 **Resolution 14-27:** Cancellation Of Manager, Business Development And International Marketing Eligible List (**Finance & Admin**)
- 2.3 **Ordinance No. 4284,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Extend The Lease With BNSF Railway Company To Continue To Operate At The Joint Intermodal Terminal Through September 30, 2014.
- 2.4 **Ordinance No. 4285,** 2nd Reading Of An Ordinance Approving A Lease With Restaurants Unlimited, Inc. For The Premises Located At 1 Franklin.

*The Motion to approve the Consent Items passed by the following votes: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

3. MAJOR PROJECTS

There were no Major Project Items.

4. BUDGET & FINANCE

Chief Financial Officer, Sara Lee, reported on Items **4.1**.

- 4.1 **Report:** Informational Report: Commissioner's Travel Expenses for 2013

5. STRATEGY & POLICY

Aviation Director, Deborah Ale-Flint presented Item **5.1**.

- 5.1 **Report:** Aviation Air Service Update (**Aviation**)

*Commissioner **Uno** left the meeting at 4:06 pm.*

6. REMAINING ACTION ITEMS

Maritime Director, John Driscoll, presented Items **6.1** and **6.2**.

*A Motion to approve Item **6.1** was made by Commissioner **Head**, and seconded by Vice-President **Yee**.*

*Kate O'Hara, Raya Smith and Brandon Sturdivant addressed the Board on Item **6.1**.*

- 6.1 **Resolution 14-28:** Memorandum Of Understanding With Union Pacific Railroad Related To The Development Of The New Rail Yard And Logistics Park At The Former Oakland Army Base. (**Maritime**)

*The Motion to approve Item **6.1** passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**; (1) Excused: Commissioner **Uno**.*

*A Motion to approve Item **6.2** was made by Vice-President **Yee**, and seconded by Vice-President **Hamlin**.*

Ryan Hogan and Paul Konzen of Pinnacle Agricultural Services addressed the Board in support of Item **6.2**.

- 6.2 **Resolution 14-29:** Approval Of An Exclusive Negotiating Agreement (ENA) With Pinnacle Ag. Services, Inc., For 5 Acres At The Roundhouse Property Located At 1195 Middle Harbor Road (**Maritime**)

*The Motion to approve Item **6.2** passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**; (1) Excused: Commissioner **Uno**.*

Commercial Real Estate Director, Pam Kershaw, introduced Items **6.3**.

*A Motion to approve Item **6.3** was made by Commissioner **Colbruno**, and seconded by Vice-President **Hamlin**.*

- 6.3 Ordinance 4286:** Approval Of A Five-Year License And Concession Agreement With VA Transportation Inc., For Premises Located At 2400 Embarcadero Road (**CRE**)

*The Motion to approve Item **6.2** passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**; (1) Excused: Commissioner **Uno**.*

7. UPDATES/ANNOUNCEMENTS

President Butner reappointed the Howard Terminal Ad Hoc Committee to study and evaluate potential real property agreement terms for the site, consistent with the Exclusive Negotiating Agreement with Oakland Waterfront Ballpark LLC, and extended the term of the Committee through January 2015.

8. SCHEDULING

There were no Scheduling Items.

OPEN FORUM

There were no speakers in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 4:47 p.m.

John Betterton, Secretary
Board of Port Commissioners

Date

J. CHRISTOPHER LYTLE
Executive Director

DANNY WAN
Port Attorney

ARNEL ATIENZA
Port Auditor

JOHN T. BETTERTON
Secretary of the Board

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MICHAEL COLBRUNO
Commissioner

JAMES W. HEAD
Commissioner

BRYAN R. PARKER
Commissioner

VICTOR UNO
Commissioner

MINUTES

Meeting of the Board of Port Commissioners

April 24, 2014 – 1:00 p.m.

Board Room – 2nd Floor

ROLL CALL

*President **Butner** called the Regular Meeting of the Board for April 24, 2014 to Order at the hour of 1:04 p.m. and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

1. CLOSED SESSION

*President **Butner** convened the Board in Closed Session at the hour of 1:05 p.m. to hear the following Closed Session 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 **2 matters**)

1.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Pursuant to California Government Code Section 54956.8):

Property: Oakland Army Base
Negotiating Parties: Port of Oakland and CCIG/Prologis
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

Property: Berths 25-26
Negotiating Parties: Port of Oakland and Ports America Outer Harbor
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

1.3 CONFERENCE WITH LABOR NEGOTIATOR – (Pursuant to California Government Code Section 54956.8)

Employee Organization: Service Employees International Union Local 1021 (“SEIU Local 1021”)

ROLL CALL/OPEN SESSION

*President **Butner** reconvened the Open Session of the Regular Meeting of the Board at 3:05 p.m. and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

CLOSED SESSION REPORT

The Port Attorney reported that no final actions were taken in Closed Session.

2. CONSENT ITEMS

The Assistant Board Secretary introduced the Consent Items.

*A Motion to approve the Consent Items was made by Commissioner **Colbruno** and seconded by Commissioner **Parker**.*

- 2.1 Ordinance 4287:** First Reading of an Ordinance Granting East Bay Municipal Utility District (EBMUD) One (1) New Easement for Relocation of an Existing Water Line Along 14th Street, Oakland, CA (**Engineering**)
- 2.2 Ordinance 4288:** Amend Port Ordinance 3634, as amended, on Airport Rates and Charges, Section 10.5 to Authorize Collection of Fingerprinting Fees (**Aviation**)
- 2.3 Ordinance 4289:** Approval of a Space/Use Permit with Swissport Fueling, Inc. at Oakland International Airport (**Aviation**)
- 2.4 Ordinance No. 4286,** 2nd Reading Of An Ordinance Approving A Five-Year License And Concession Agreement With VA Transportation, Inc., For The Premises At 2400 Embarcadero Road, For A Monthly Rent Of \$1,850.40.
- 2.5 Minutes:** Approval Of The Minutes Of the Regular Meetings Of March 13, 2014 and March 27, 2014. (**Board Secretary**)
- 2.6 Report:** Report of Appointments, Separations and Leaves of Absence for FY 2013-14, 3rd Quarter (January 1, 2014 – March 31, 2014) (**Finance & Admin**)

*The Motion to approve the Consent Items passed by the following votes: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

3. MAJOR PROJECTS

Aviation Director, Deborah Ale-Flint, and BART project manager Tom Dunscombe reported on Item **3.1**.

3.1 **Report:** MPU - BART Connector OAC Quarterly Project Update (**Aviation**)

4. BUDGET & FINANCE

Chief Financial Officer, Sara Lee, reported on Items **4.1** and **4.2**.

4.1 **Report:** Unaudited Financials for 8 months ended February 28, 2014

*A Motion to approve Item **4.2** was made by Commissioner **Parker**, and seconded by Vice-President **Hamlin**.*

4.2 **Resolution 14-30:** Authority to Renew Port of Oakland Insurance Policies Arranged and Paid Through Prime Insurance Brokers Described Herein in an Amount Not to Exceed \$4,350,000

*The Motion to approve Item **4.2** passed by the following votes: (7) **Ayes:** Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

5. STRATEGY & POLICY

Executive Director, Chris Lytle and Principal Assistant to the Executive Director, Jean Banker, reported on item **5.1**.

5.1 **Report:** Progress Report On Procurement and Vendor Selection (**Executive Office**)

6. REMAINING ACTION ITEMS

Maritime Director, John Driscoll, presented Items **6.1**.

*A Motion to approve Item **6.1** was made by Commissioner **Colbruno**, and seconded by Commissioner **Parker**.*

6.1 **Resolution 14-31:** Agreement with General Electric Company and their Authorized Reseller/Affiliated Distributor to Upgrade the Crane Maintenance System (CMS) for Four Port-owned Container Cranes (**Maritime**)

*The Motion to approve Item **6.1** passed by the following votes: (7) **Ayes:** Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

Aviation Director, Deborah Ale-Flint, introduced Item **6.2**.

*A Motion to approve Item **6.2** was made by Commissioner **Colbruno**, and seconded by Vice-President **Yee**.*

6.2 Ordinance 4290: Approval of Airline Operating Agreement with Norwegian Air Shuttle ASA to Operate at Oakland International Airport (**Aviation**)

*The Motion to approve Item **6.2** passed by the following votes: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

7. UPDATES/ANNOUNCEMENTS

Director of Environmental Programs & Planning, Richard Sinkoff, reported on Earth Day activities.

Social Responsibility Director, Amy Tharpe, reported on the Meet and Greet Contractor and Local Workforce Providers, hosted by the Port of Oakland.

8. SCHEDULING

There were no items for Scheduling.

OPEN FORUM

There were no speakers in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 4:15 p.m.

**Daria Edgerly, Secretary
Board of Port Commissioners**

Date

J. CHRISTOPHER LYTLE
Executive Director

DANNY WAN
Port Attorney

ARNEL ATIENZA
Port Auditor

JOHN T. BETTERTON
Secretary of the Board

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JAMES W. HEAD
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BRYAN R. PARKER
Commissioner
VICTOR UNO
Commissioner

MINUTES

Meeting of the Board of Port Commissioners

May 8, 2014 – 1:00 p.m.

Board Room – 2nd Floor

ROLL CALL

*President **Butner** called the Regular Meeting of the Board for May 8, 2014 to order at the hour of 1:04 p.m. and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, 2nd Vice-President **Hamlin**, Commissioner **Head**, 1st Vice President **Yee** and President **Butner**.*

*Commissioner **Parker** joined the meeting at 1:48 pm.*

*Commissioner **Uno** was excused.*

1. CLOSED SESSION

*President **Butner** convened the Board in Closed Session at the hour of 1:05 p.m. to hear the following Closed Session Items:*

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

CMC Food Services LLC and NNF Grewal, Inc., v. Port of Oakland, et al.; Alameda County Superior Court Case No.: RG13685134

- 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 **1 matters**)

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

Property: Oakland Army Base
Negotiating Parties: Port of Oakland and CCIG/Prologis
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

Property: 555 Maritime Street
Negotiating Parties: Port of Oakland and Various Parties
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

Property: Roundhouse Middle Harbor Rd
Negotiating Parties: Port of Oakland and Pinnacle Ag Services Inc.
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

1.4 THREAT TO PUBLIC SERVICES OR FACILITIES – (Pursuant to California Government Code Section 54957).

Consultation with: Aviation Security Manager

ROLL CALL/OPEN SESSION

*President **Butner** reconvened the Open Session of the Regular Meeting of the Board at 3:04 p.m. and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

*Commissioner **Uno** was excused.*

CLOSED SESSION REPORT

The Deputy Port Attorney, Michelle Heffes, reported that the Board had taken no final Action in Closed Session.

2. CONSENT ITEMS

The Board Secretary introduced the Consent Items.

*A Motion to approve the Consent Items was made by Commissioner **Colbruno** and seconded by Vice-President **Yee**.*

2.1 Resolution 14-32: Authorization to Enter into an Agreement to Renew Microsoft Software Licensing for up to 5 Years (**Finance & Admin**)

2.2 Resolution 14-33 Building Permit Application: Gary Liu – Install Grade-Level Truck Scale For Use By The Tenant (**Engineering**)

- 2.3 **Resolution 14-34 Building Permit Application:** Dollar Rent A Car – Relocate Existing Dollar Booth Within Assigned Parking Area **(Engineering)**
- 2.4 **Resolution 14-35 Building Permit Application:** Shell Pipeline Company – Removal Of Existing Gas Pipeline From The Perimeter Dike **(Engineering)**
- 2.5 **Ordinance No. 4287,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Grant Of Easement To East Bay Municipal Utility (“EBMUD”) To Relocate An Existing Water Line Along 14th Street, Oakland, Ca.
- 2.6 **Ordinance No. 4288,** 2nd Reading Of An Ordinance Amending Port Ordinance No. 3634 Relating To Fingerprinting Fees At Metropolitan Oakland International Airport.
- 2.7 **Ordinance No. 4289,** 2nd Reading Of An Ordinance Approving And Authorizing A Space/Use Permit With Swissport Fueling, Inc., To Continue Providing Into-Plane Fueling Services At Oakland International Airport.
- 2.8 **Ordinance No. 4290,** 2nd Reading Of An Ordinance Approving An Airline Operating Agreement With Norwegian Air Shuttle ASA.
- 2.9 **Report:** Quarterly Report of Construction Change Orders for 3rd Quarter FY 13/14 **(Engineering)**

*The Motion to approve the Consent Items passed by the following votes: (5) Ayes: Commissioner **Colbruno**, Commissioner **Head**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**; (2) Excused: Commissioner **Parker** and Commissioner **Uno**.*

3. MAJOR PROJECTS

There were no Major Project Items.

4. BUDGET & FINANCE

There were no Budget & Finance Items.

5. STRATEGY & POLICY

Chief Financial Officer, Sara Lee, reported on Item **5.1**.

*A Motion to approve Item **5.1** was made by Commissioner **Head**, and seconded by Vice-President **Yee**.*

- 5.1 **Resolution 14-36:** Designation of a Standing Audit Committee of the Board of Port Commissioners **(Finance/Admin & Legal)**

*The Motion to approve Item **5.1** passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**; (1) Excused: Commissioner **Uno**.*

6. REMAINING ACTION ITEMS

There were no Remaining Action Items.

7. UPDATES/ANNOUNCEMENTS

*Commissioner **Colbruno** reported that he and Commissioner Parker and several Port Staff had participated in Bike To Work Day.*

*2nd Vice-President **Hamlin** reported that he had attended the 12th Annual Northern California Power Agency (NCPA) Federal Policy Conference in Washington D.C.*

*President **Butner** reported that he, Executive Director, Chris Lytle and Maritime Director, John Driscoll had met with Fernando Chico Pardo, a new investor with Ports America, Michael F. Hassing CEO and President of Ports America and Ed De Nike, President of SSA Containers.*

*Commissioner **Parker** reported on Oakland's very successful hosting of the annual Vader Splash Tech Startup Event. This year's conference held in Oakland for the first time attracted more than triple the attendance of previous years.*

8. SCHEDULING

There were no Scheduling Items.

OPEN FORUM

There were no speakers in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 3:34 p.m.

**John Betterton, Secretary
Board of Port Commissioners**

Date

J. CHRISTOPHER LYTLE
Executive Director

DANNY WAN
Port Attorney

ARNEL ATIENZA
Port Auditor

JOHN T. BETTERTON
Secretary of the Board

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CESTRA BUTNER
President
ALAN S. YEE
First Vice-President
EARL HAMLIN
Second Vice-President
MICHAEL COLBRUNO
Commissioner
JAMES W. HEAD
Commissioner
BRYAN R. PARKER
Commissioner
VICTOR UNO
Commissioner

MINUTES

Meeting of the Board of Port Commissioners

May 22, 2014 – 1:00 p.m.

Board Room – 2nd Floor

ROLL CALL

President **Butner** called the Regular Meeting of the Board for May 22, 2014 to order at the hour of 1:04 p.m. and the following Commissioners were in attendance:

Commissioner **Colbruno**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.

Commissioner **Parker** arrived at 1:11 pm and Commissioner **Head** arrived at 3:44 pm.

1. CLOSED SESSION

President **Butner** convened the Board in Closed Session at the hour of 1:045 p.m. to hear the following Closed Session Items:

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

Roland Flores v Tarlochan Singh; Kaur Rajvindger, Does 1 to 40; Alameda, Case No. RG10543161.

- 1.2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** (Significant Exposure to Litigation Pursuant to Paragraph (4) of Subdivision (d) of California Government Code Section 54956.9 1 matter)

- 1.3 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** (Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of California Government Code Section 54956.9 1 matter)

1.4 CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Pursuant to California Government Code Section 54956.8):

Property: Oakland Army Base
Negotiating Parties: Port of Oakland and CCIG/Prologis
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

Property: Berths 25-26
Negotiating Parties: Port of Oakland and Ports America Outer Harbor
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

Property: One Market Street, Oakland, CA (Howard Terminal)
Negotiating Parties: Port of Oakland and Oakland Waterfront Ballpark, LLC
Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate
Under Negotiation: Price and Terms of Tenancy

Property: 10051 Doolittle Drive, Oakland, CA
Negotiating Parties: Port of Oakland, City of Oakland and Oakland Golf, LLC
Agency Negotiator: Deborah Ale Flint, Director of Aviation, President-Oakland Golf, LLC, Tom Isaak
Under Negotiation: Price and Terms of Tenancy

1.5 ~~PULLED: THREAT TO PUBLIC SERVICES OR FACILITIES – (Pursuant to California Government Code Section 54957).~~

Consultation with: Chief Technology Officer

1.6 CONFERENCE WITH LABOR NEGOTIATORS – (Pursuant to California Government Code Section 54957.6).

Unrepresented Employees: Unit H

1.7 PUBLIC EMPLOYEE PERFORMANCE EVALUATION – (Pursuant to California Government Code Section 54957.6).

Title: Port Attorney

ROLL CALL/OPEN SESSION

*President **Butner** reconvened the Open Session of the Regular Meeting of the Board at 4:00 p.m. and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

CLOSED SESSION REPORT

The Port Attorney, Danny Wan, reported that the Board had taken action in Closed Session on two matters:

*On a Motion by Vice-President **Yee**, Seconded by Commissioner **Colbruno**, the Board approved by 6 Ayes, 1 Excused (**Head**) the following:*

Resolution 14-37: Ratifying, Confirming And Approving Retention Of Special Counsel. Kenney & Markowitz To Render Expert Assistance To The Port Attorney In Connection With The Defense Of Roland Flores V. Port Of Oakland, Alameda County Superior Court No. RG10543161

*On a Motion by Vice-President **Yee**, Seconded by Vice-President **Hamlin**, the Board approved by 6 Ayes, 1 Excused (**Head**) the following:*

Resolution 14-38: Approving And Authorizing Settlement Of Claims By Earl Wiitala V. Port Of Oakland Et Al.

The “Major Projects” and “Remaining Action” Items were taken out of turn to allow the Aviation Director to attend the BART board meeting.

3. MAJOR PROJECTS

Aviation Director, Deborah Ale-Flint reported on Items **3.1** and **3.2**.

3.1 Report: Major Project Update Runway Safety Area Project (**Aviation**)

*A Motion to approve Item **3.2** was made by Commissioner **Parker**, and seconded by Vice-President **Yee**.*

3.2 Resolution 14-43: Budget Approval And Other Related Authorizations For The North Field Runway Safety Area (RSA) Project, Oakland International Airport (**Aviation And Engineering**)

*The Motion to approve Item **3.2** passed by the following votes: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

6. REMAINING ACTION ITEMS

Aviation Director, Deborah Ale-Flint, presented Item **6.1**.

*A Motion to approve Item **6.1** was made by Vice-President **Yee**, and seconded by Vice-President **Hamlin**.*

6.1 Resolution 14-45: Domestic And International Passenger Air Service Marketing Incentive Programs **(Aviation)**

The Motion to approve Item 3.2 passed by the following votes: (7) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Yee and President Butner.

The Director of Information Technologies, Ron Puccinelli, introduced Item 6.2.

A Motion to approve Item 6.2 was made by Commissioner Head, and seconded by Vice-President Yee.

6.2 Resolution 14-46: Authorization To Enter Into An Agreement For The Web Accessed Monitoring System **(SRD)**

The Motion to approve Item 3.2 passed by the following votes: (7) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Yee and President Butner.

2. CONSENT ITEMS

A Motion to approve the Consent Items was made by Vice-President Yee and seconded by Commissioner Parker.

2.1 Resolution 14-39: Submittal of Amendment of Passenger Facility Charge (PFC) Application #14 to Federal Aviation Administration (FAA) in the amount of \$126,164,200. **(Aviation)**

2.2 Resolution 14-40: Approval Of A First Supplemental Agreement To The Professional Services Agreement With Oakland Museum Of California Foundation To Continue To Manage The Airport Exhibits Program At Oakland International Airport For An Additional Six-Month Term **(Aviation)**

2.3 Resolution 14-41 Building Permit: Hawaiian Airlines, 1 Airport Drive (M102) – Installation of Ten Ticket Kiosks **(Engineering)**

2.4 PULLED: Building Permit: ~~Landmark Aviation, 8517 Earhart Road, Hangar 5 Ramp (L510) – Reconstruction of Pavement (Engineering)~~

2.5 Resolution 14-42 Building Permit: Landmark Aviation, 8291 Earhart Road, Hangar 6 (L610) – Installation of Building Sign **(Engineering)**

2.6 Minutes: Approval Of The Minutes Of the Regular Meetings Of April 10, 2014 and April 24, 2014. **(Board Secretary)**

2.7 Report: Executive Director Awards Of Recent Public Works And Professional Services Contracts For The Period From November 2013 Through April 2014 **(Engineering)**

*The Motion to approve the Consent Items passed by the following votes: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

4. BUDGET & FINANCE

Chief Financial Officer, Sara Lee, reported on the Budget & Finance Items.

4.1 Report: FY 2015 Operating And Capital Budget Update #2

4.2 Report: Unaudited Financials For 9 Months Ended March 31, 2014 Including Capital Expenditure Report

Commissioner **Parker** left the meeting at 6:12 pm.

*A Motion to approve Item **4.3** was made by Vice-President **Yee**, and seconded by Commissioner **Head**.*

4.3 Resolution 14-44: Approval To Designate Miscellaneous Obsolete, Broken, And Worn-Out Property As Surplus And To Donate, Sell, And Or Dispose Of It.

*The Motion to approve the Consent Items passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**; (1) Excused: Commissioner **Parker**.*

5. STRATEGY & POLICY

There were no Strategy & Policy Items.

7. UPDATES/ANNOUNCEMENTS

- President Butner announced the creation of a standing Committee on the Audit. The Committee will meet quarterly. For the remainder of this year the meetings are scheduled for July 16th and October 16th.*
- Commissioner Uno reported on a visit by students from McClymonds High School.*
- Executive Director, Chris Lytle, announced that Jean Banker had been appointed as the Principal Assistant to the Executive Assistant.*

- *The Principal Assistant to the Executive Director, Jean Banker, reported on the Women in Transportation annual dinner.*
- *Board Secretary, John Betterton, announced that the Port had been awarded the “Campaign Excellence Award” by the 2013 Community Health Charities Committee.*

8. SCHEDULING

There were no “Scheduling” Items.

OPEN FORUM

The following individuals addressed the board in Open Forum: Sanday Jha, John Jones, Bill Chorneau, Shirley Burrell, Ken Chambers and Kate O’Hara.

ADJOURNMENT

There being no additional business the Board adjourned at 6:17 p.m.

**John Betterton, Secretary
Board of Port Commissioners**

Date

J. CHRISTOPHER LYTLE
Executive Director

DANNY WAN
Port Attorney

ARNEL ATIENZA
Port Auditor

JOHN T. BETTERTON
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Commissioner
JAMES W. HEAD
Commissioner
BRYAN R. PARKER
Commissioner
VICTOR UNO
Commissioner

MINUTES

SPECIAL MEETING of the Board of Port Commissioners

June 5, 2014 – 1:00 p.m.

Board Room – 2nd Floor

ROLL CALL

*President **Butner** called the Special Meeting of the Board for June 5, 2014 to order at the hour of 1:01 p.m. and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

*Commissioner **Head** was excused.*

1. CLOSED SESSION

*President **Butner** convened the Board in Closed Session at the hour of 1:03 p.m. to hear the following Closed Session Items:*

1.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Pursuant to California Government Code Section 54956.8):

Property: Oakland Army Base
Negotiating Parties: Port of Oakland and CCIG/Prologis
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

Property: Berths 25-26
Negotiating Parties: Port of Oakland and Ports America Outer Harbor
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

1.2 THREAT TO PUBLIC SERVICES OR FACILITIES – (Pursuant to California Government Code Section 54957).

Consultation with: Chief Technology Officer

1.3 CONFERENCE WITH LABOR NEGOTIATORS – (Pursuant to California Government Code Section 54957.6).

Employee Organizations: International Federation of Professional and Technical Engineers, Local 21 (IFPTE-Local 21); Services Employees International Union, Local 1021 (SEIU-Local 1021); Western Council of Engineers (WCE); and International Brotherhood of Electrical Workers, Local 1245 (IBEW-Local 1245)

ROLL CALL/OPEN SESSION

*President **Butner** reconvened the Open Session of the Special Meeting of the Board at 3:07 p.m. and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

*Commissioner **Head** was excused.*

CLOSED SESSION REPORT

The Port Attorney, Danny Wan, reported that the Board had taken no final Action in Closed Session.

2. CONSENT ITEMS

The Board Secretary introduced the Consent Items.

*A Motion to approve the Consent Items was made by Commissioner **Colbruno** and seconded by Commissioner **Parker**.*

- 2.1 Resolution 14-47:** Approval for a Two-Year Extension to an Existing Supplemental Agreement with Nordhav, Inc., dba BASELINE Environmental Consulting, to Support Hazardous Materials Clean-up at the former Oakland Army Base and Vicinity with No Increase in Maximum Compensation (**Environmental**)
- 2.2 Resolution 14-48:** Authorization to Renew the Port's Contractor's Pollution Liability insurance policy in an Amount Not to Exceed \$200,000 (**Finance**)
- 2.3 Ordinance 4291:** Ordinance to Approve Space/Use Permit with Leidos, Inc. To Allow For Maintenance of Passenger Screening Equipment Owned by the Transportation Security Administration at Oakland International Airport (**Aviation**)

- 2.4 **Resolution 14-49:** Resolution to Approve Three (3) Month Extension to Deadline Date for Rolls Royce Engine Services Oakland to Exercise Option to Extend Lease Term **(Aviation)**
- 2.5 **Ordinance 4292:** Amendment to Non-Exclusive Preferential Assignment Agreement with TraPac, Inc. (Berths 30-32) to Clarify Compensation Terms and Legal Name of Signatore **(Maritime)**
- 2.6 **Resolution 14-50:** Extension and Increase to Maximum Compensation for Agreement with American Maritime Group **(Maritime)**
- 2.7 **Resolution 14-51:** Resolution Ratifying Audit Committee Members and Setting Regular Meeting **(Port Attorney)**
- 2.8 **Minutes:** Approval Of The Minutes Of the Regular Meeting Of May 8, 2014. **(Board Secretary)**

*The Motion to approve the Consent Items passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**; (1) Excused: Commissioner **Head**.*

3. MAJOR PROJECTS

The Director of Engineering, Chris Chan, introduced item **3.1**.

*A Motion to approve Item **3.1** was made by Vice-President **Yee**, and seconded by Vice President **Hamlin**.*

- 3.1 **Resolution 14-52, 14-53, 14-54, 14-55, 14-56 & 14-57:** Approval of Plans and Project Manual and Other Related Authorizations for the North Field Runway Safety Area (NF RSA), Oakland International Airport **(Aviation & Engineering)**

*The Motion to approve the Consent Items passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**; (1) Excused: Commissioner **Head**.*

4. BUDGET & FINANCE

There were no Budget & Finance Items.

5. STRATEGY & POLICY

There were no Strategy & Policy Items.

6. REMAINING ACTION ITEMS

Aviation Director, Deborah Ale Flint, introduced the Aviation Items **6.1** through **6.5**.

*A Motion to approve Item **6.1** was made by Vice-President **Yee**, and seconded by Vice-President **Hamlin**.*

- 6.1 Ordinance 4293:** Approval of a New Right of Way Use Permit Agreement with SFPP, L.P. (Kinder Morgan Operating, L.P. "D") for Petroleum Products Pipelines and Facilities at Oakland International Airport (**Aviation**)

*The Motion to approve Item **6.1** passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**; (1) Excused: Commissioner **Head**.*

*A Motion to approve Item **6.2** was made by Vice-President **Yee**, and seconded by Vice-President **Hamlin**.*

- 6.2 Ordinance 4294:** Ordinance to Approve Space/Use Permit with Accessible Aviation, Inc. for a Hangar (**Aviation**)

*The Motion to approve Item **6.2** passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**; (1) Excused: Commissioner **Head**.*

*A Motion to approve Item **6.3** was made by Vice-President **Yee**, and seconded by Vice-President **Hamlin**.*

- 6.3 Ordinance 4295:** Ordinance to Approve Space/Use Permit with Technical Education Services, Inc. for a Hangar, Office Building and Warehouse (**Aviation**)

*The Motion to approve Item **6.3** passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**; (1) Excused: Commissioner **Head**.*

*A Motion to approve Item **6.4** was made by Commissioner **Uno**, and seconded by Commissioner **Parker**.*

- 6.4 Resolution 14-58:** Authorization for the Executive Director to Enter into an Agreement with PASSUR Aerospace, Inc. for Airline Data/Reporting Integration Software (**Aviation**)

The Motion to approve Item 6.4 passed by the following votes: (6) Ayes: Commissioner Colbruno, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Yee and President Butner; (1) Excused: Commissioner Head.

A Motion to approve Item 6.5 was made by Vice-President Hamlin, and seconded by Vice-President Yee.

Joe Yeagley of Fuel Rod addressed the Board on behalf of his company.

- 6.5 Ordinance 4296:** Ordinance to Approve Space/Use Permit with Tricopian LLC for the Installation and Operation of Automated Portable Charger Dispenser Machines at Oakland International Airport **(Aviation)**

The Motion to approve Item 6.5 passed by the following votes: (6) Ayes: Commissioner Colbruno, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Yee and President Butner; (1) Excused: Commissioner Head.

Maritime Director, John Driscoll, introduced the maritime items (6.6 through 6.8).

A Motion to approve Item 6.6 was made by Commissioner Colbruno, and seconded by Vice-President Yee

- 6.6 Resolution 14-59:** Authorization to Enter Into a Professional Services Agreement With L-Leidos, Inc. for Management and Maintenance of the Maritime Port Registry and Truck Positioning System **(Maritime)**

The Motion to approve Item 6.6 passed by the following votes: (6) Ayes: Commissioner Colbruno, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Yee and President Butner; (1) Excused: Commissioner Head.

A Motion to approve Item 6.7 was made by Commissioner Uno, and seconded by Vice-President Yee

- 6.7 Ordinance 4297:** Authorization to Extend Lease with Ports America Outer Harbor Terminal, LLC for the Berths 25/26 Marine Terminal on a Month-to-Month basis **(Maritime)**

The Motion to approve Item 6.7 passed by the following votes: (6) Ayes: Commissioner Colbruno, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Yee and President Butner; (1) Excused: Commissioner Head.

A Motion to approve Item 6.8 was made by Vice-President Yee, and seconded by Commissioner Parker.

- 6.8 Ordinance 14-60:** Authorization to Reimburse the City of Oakland for Contingency Services Provided in FY 2014 and to Negotiate and Execute a Supplemental Memorandum of Understanding (MOU) with the City of Oakland for Contingency Services Effective FY 2015 **(Maritime)**

The Motion to approve Item 6.8 passed by the following votes: (6) Ayes: Commissioner Colbruno, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Yee and President Butner; (1) Excused: Commissioner Head.

7. UPDATES/ANNOUNCEMENTS

The Director of Commercial Real Estate, Pamela Kershaw, announced the upcoming opening of several new restaurants in Jack London Square: Plank, Rosenblum Cellars and Jacks.

8. SCHEDULING

President **Butner** announced that the Regular Board Meeting of June 12th was canceled.

OPEN FORUM

Steve Lowe addressed the Board in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 3:44 p.m.

**John Betterton, Secretary
Board of Port Commissioners**

Date

J. CHRISTOPHER LYTLE
Executive Director

DANNY WAN
Port Attorney

ARNEL ATIENZA
Port Auditor

JOHN T. BETTERTON
Secretary of the Board

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CESTRA BUTNER
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EARL HAMLIN
Second Vice-President

MICHAEL COLBRUNO
Commissioner

JAMES W. HEAD
Commissioner

BRYAN R. PARKER
Commissioner

VICTOR UNO
Commissioner

MINUTES

Regular Meeting of the Board of Port Commissioners

June 26, 2014 – 1:00 p.m.

Board Room – 2nd Floor

ROLL CALL

Vice-President Yee called the Regular Meeting of the Board for June 26, 2014 to order at the hour of 1:07 p.m. and the following Commissioners were in attendance:

Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Yee.

President Butner was excused.

1. CLOSED SESSION

Vice-President Yee convened the Board in Closed Session at the hour of 1:10 p.m. to hear the following Closed Session Items:

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

CMC Food Services LLC and NNF Grewal, Inc. v. Port of Oakland, et al., Alameda County Superior Court Case No.: RG13685134

- 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 1

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

Property: Oakland Army Base
Negotiating Parties: Port of Oakland and CCIIG/Prologis
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

Property: Berths 25-26
Negotiating Parties: Port of Oakland and Ports America Outer Harbor
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

Property: Roundhouse/Sherex Property, Middle Harbor Rd
Negotiating Parties: Port of Oakland and Union Pacific Railroad Company
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

1.4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION - (Pursuant to California Government Code Section 54957.6)

Title: Chief Audit Officer and Secretary of the Board.

ROLL CALL/OPEN SESSION

*Vice-President **Yee** reconvened the Regular Meeting of the Board for June 26, 2014 to order at the hour of 4:00 p.m. and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee**.*

*President **Butner** was excused.*

CLOSED SESSION REPORT

The Port Attorney, Danny Wan, reported that the Board had taken no final Action in Closed Session.

2. CONSENT ITEMS

The Board Secretary introduced the Consent Items.

*A Motion to approve the Consent Items, **2.1** through **2.10** was made by Commissioner **Colbruno** and seconded by Commissioner **Uno**.*

Commissioner **Parker** was out of the room during the discussion and vote on the Consent Items.

2.1 Resolution 14-61: Cancellation of Airport Operations Specialist Eligibility List (**Finance & Admin.**)

- 2.2 **Resolution 14-62:** Cancellation of Aviation Senior Marketing and Communications Representative Eligible List (**Finance & Admin**)
- 2.3 **Resolution 14-63 Building Permit:** Aviation Port Services LLC, 1 Alan Shepard (#M112) – Tenant improvement for air cargo operations **Engineering**
- 2.4 **Ordinance No. 4291,** 2nd Reading Of An Ordinance Approving And Authorizing A Space/Use Permit With Leidos, Inc., To Allow For Maintenance Of Passenger Screening Equipment Owned By The Transportation Security Administration At Oakland International Airport.
- 2.5 **Ordinance No. 4292,** 2nd Reading Of An Ordinance Authorizing The Executive Director To (1) Enter Into A Second Supplemental Agreement To The Non-Exclusive Preferential Assignment Agreement (“NEPPA”) With Trapac, Inc., To Clarify The Mag Adjustment Terms Of The NEPPA; And (2) To Modify The Name Of The Entity That Is Signatory To The NEPPA From Trapac Inc. To Trapac, LLC.
- 2.6 **Ordinance No. 4293,** 2nd Reading Of An Ordinance Approving And Authorizing A New Right Of Way Use Permit Agreement With SFPP, L.P. Covering: (I) Two Petroleum Products Pipelines That Run Along The Bulk Of The Length Of The Perimeter Dike Surrounding The Oakland International Airport And Under The San Francisco Bay; (Ii) A Metering Station; And (Iii) A Cathodic Protection System, For A Twenty-Five (25) Year Term, An Initial Annual Rental Of \$63,935 Plus Two Additional Payments Totaling \$2.7 Million.
- 2.7 **Ordinance No. 4294,** 2nd Reading Of An Ordinance Approving A Space/Use Permit With Accessible Aviation, Inc. For Port Building L-712 Located At 8053 Earhart Road For A Five-Year Term, At A Monthly Rent Of \$2,094.84.
- 2.8 **Ordinance No. 4295,** 2nd Reading Of An Ordinance Approving A Space/Use Permit With Technical Education Services, Inc. dba Aviation Institute Of Maintenance For A Hangar, Office Building And Warehouse, At A Monthly Rent Of \$32,958.79.
- 2.9 **Ordinance No. 4296,** 2nd Reading Of An Ordinance Approving And Authorizing A Space/Use Permit With Tricopian LLC For The Installation And Operation Of Automated Portable Charger Dispenser Machines At Oakland International Airport.
- 2.10 **Ordinance No. 4297,** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A Month-To-Month Extension To The Ports America Outer Harbor Terminal, LLC Non-Exclusive Preferential Assignment Agreement For The Berths 25/26 Marine Terminal.

*The Motion to approve the Consent Items passed by the following votes: (5) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**; (2) Excused: Commissioner **Parker** and President **Butner**..*

Commissioner **Parker** returned to the meeting at 4:19 pm.

FIRST OPEN FORUM

Vice-President **Yee** called for Open Forum to be taken out of order to accommodate the large number of speakers.

The Following people addressed the Board in the First in Open Forum: Brian Woodson, DaShawn Clinton, John Jones, Bill Chorneau, Helen Duffy, Fred Pecker, Rayna Smith and Kate O'Hara.

3. MAJOR PROJECTS

Item **3.1** was pulled by the Executive Director, Chris Lytle.

- 3.1** **PULLED Resolution:** ~~Material Procurement Agreement with Union Pacific Railroad Company (Engineering & Maritime)~~

4. BUDGET & FINANCE

Chief Executive Officer, Sara Lee, introduced the Budget Items.

- 4.1** **Report:** Unaudited Financials for 10 months ended April 30, 2014

*A Motion to approve Item **4.2** was made by Commissioner **Parker**, and seconded by Vice President **Hamlin**.*

- 4.2** **Resolution 14-64:** Approval of the Annual Operating and Capital Budgets for Fiscal Year Ending June 30, 2015.

*The Motion to approve Item **4.2** passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee**; (1) Excused: President **Butner**.*

5. STRATEGY & POLICY

There were no Strategy & Policy Items.

6. REMAINING ACTION ITEMS

Executive Director, Chris Lytle, introduced Item **6.1**.

*A Motion to approve Item **6.1** was made by Commissioner **Head**, and seconded by Vice President **Hamlin**.*

- 6.1** **Ordinance 4298:** Authorization for Unit H Employees to Receive 2.5% Salary Adjustment Effective July 1, 2014 (**Finance & Admin**)

The Motion to approve Item 6.1 passed by the following votes: (6) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Yee; (1) Excused: President Butner.

Chris Chan, Director of Engineering, presented Item 6.2.

A Motion to approve Item 6.2 was made by Commissioner Head, and seconded by Vice President Hamlin.

- 6.2 Resolution 14-65:** Authorization for the Executive Director to Execute Agreements with the Northern California Power Agency for Power Management Services (**Engineering**)

The Motion to approve Item 6.2 passed by the following votes: (6) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Yee; (1) Excused: President Butner.

Deborah Ale-Flint, Director of Aviation, presented Item 6.3, 6.4 and 6.5.

A Motion to approve Item 6.3 was made by Commissioner Head, and seconded by Vice President Hamlin.

- 6.3 Report & Resolution 14-66:** Board Input and Approval Regarding the Selection Process and Evaluation Criteria for Airport Contract Security Guard Services Request for Proposal (RFP) and Authorization for Executive Director to Execute Supplemental Agreement to Extend Existing Contract with ABC Security Service, Inc. up to Three Months, Ending December 31, 2014. (**Aviation**)

The Motion to approve Item 6.3 passed by the following votes: (6) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Yee; (1) Excused: President Butner.

A Motion to approve Item 6.4 was made by Commissioner Head, and seconded by Vice President Hamlin.

- 6.4 Ordinance 4299:** Proposed Fiscal Year 2015 Airline Landing Fee Rates and Terminal Space Rental Rates (**Aviation**)

The Motion to approve Item 6.4 passed by the following votes: (6) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Yee; (1) Excused: President Butner.

A Motion to approve Item 6.5 was made by Commissioner Head, and seconded by Vice President Hamlin.

6.5 Resolution 14-67: Authorization to Execute a Professional Services Agreement with Kimley-Horn and Associates to Provide Consulting Services for the Replacement of the Airport Parking Revenue Control System (PARCS) **(Aviation)**

The Motion to approve Item 6.5 passed by the following votes: (6) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Yee; (1) Excused: President Butner.

7. UPDATES/ANNOUNCEMENTS

Aviation Director, Deborah Ale-Flint and Vice-President Earl Hamlin, reported on the reception honoring the Port's newest European carrier, Norwegian Airlines.

Executive Director, Chris Lytle, reported that the I.L.W.U. contract will expire on July 1st.

Commissioner Colbruno reported on the passing of **Caroline Alain-Rodman**, Director of Local & State Government Relations at T. Y. Lin International. He requested that the meeting be adjourned in her memory.

8. SCHEDULING

There were no Scheduling Items.

SECOND OPEN FORUM

There were no speakers during the Second Open Forum.

ADJOURNMENT

There being no additional business, the Board adjourned the meeting in memory of **Caroline Alain-Rodman**, at 5:16 p.m.

John Betterton, Secretary
Board of Port Commissioners

Date

J. CHRISTOPHER LYTLE
Executive Director

DANNY WAN
Port Attorney

ARNEL ATIENZA
Port Auditor

JOHN T. BETTERTON
Secretary of the Board

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CESTRA BUTNER
President
ALAN S. YEE
First Vice-President
EARL HAMLIN
Second Vice-President
MICHAEL COLBRUNO
Commissioner
JAMES W. HEAD
Commissioner
BRYAN R. PARKER
Commissioner
VICTOR UNO
Commissioner

MINUTES

Regular Meeting of the Board of Port Commissioners

July 10, 2014 – 1:00 p.m.

Board Room – 2nd Floor

ROLL CALL

President **Butner** called the Regular Meeting of the Board for July 10, 2014 to order at the hour of 1:05 p.m. and the following Commissioners were in attendance:

Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.

1. CLOSED SESSION

President **Butner** convened the Board in Closed Session at the hour of 1:06 p.m. to hear the following Closed Session Items:

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

~~CMC Food Services LLC and NNF Grewal, Inc. v. Port of Oakland, et al., Alameda County Superior Court Case No.: RG13685134~~

- 1.2 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** – (Pursuant to California Government Code Section 54956.8)

Property: Oakland Army Base
Negotiating Parties: Port of Oakland and CCIG/Prologis
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

PULLED: Property: Berths 25-26
Negotiating Parties: Port of Oakland and Ports America Outer Harbor

~~**Agency Negotiator:** Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy~~

Property: Roundhouse/Sherex Property, Middle Harbor Rd
Negotiating Parties: Port of Oakland and Union Pacific Railroad Company
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

1.3 PUBLIC EMPLOYEE PERFORMANCE EVALUATION - (Pursuant to California Government Code Section 54957.6)

Titles: Secretary of the Board and
Chief Audit Officer

1.4 THREAT TO PUBLIC SERVICES OR FACILITIES – (Pursuant to California Government Code Section 54947)

Consultation with: Michael O'Brien
Port Facilities Security Officer

ROLL CALL/OPEN SESSION

*President **Butner** reconvened the Open Session of the Regular Meeting of the Board at 3:31 p.m. and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

CLOSED SESSION REPORT

The Port Attorney reported that no final actions were taken in Closed Session.

9. ELECTION OF OFFICERS

Item 9 was taken out of order to accommodate the schedule of the Commissioners.

PRESIDENT

Commissioner **Uno** nominated Alan **Yee** for President.

Commissioner **Parker** nominated Ces **Butner** for President.

The Motion to elect Alan **Yee**, President, passed by the following vote: **(6) Ayes:** Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**; **(1) No:** Commissioner **Parker**.

FIRST VICE PRESIDENT

Commissioner **Yee**, seconded by Commissioner **Hamlin**, nominated Ces **Butner** for First Vice President.

The Motion to elect Ces **Butner**, First Vice President, passed by the following vote: **(7) Ayes:** Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.

SECOND VICE PRESIDENT

Commissioner **Yee** nominated Earl **Hamlin** for Second Vice President.

The Motion to elect Earl **Hamlin**, Second Vice President, passed by the following vote: **(7) Ayes:** Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.

2. CONSENT ITEMS

The Board Secretary introduced the Consent Items.

A Motion to approve the Consent Items was made by Commissioner **Head** and seconded by Vice-President **Yee**.

- 2.1 **Resolution:** Extension of the Eligible List for Equipment Systems Engineer from August 27, 2014 through August 27, 2015. **(Finance & Admin)**
- 2.2 **Ordinance 4298:** 2nd Reading Of An Ordinance Amending Port Ordinance No. 867 Ratifying And Setting The Compensation Of Certain Employees Of The Port Department Belonging To Employee Representation Unit H.
- 2.3 **Ordinance 4299:** 2nd Reading Of An Ordinance Amending Port Ordinance No. 3634, As Amended, Relating To Landing And Tenant Terminal Space Rental Fees At Metropolitan Oakland International Airport.

- 2.4 **Minutes:** Approval of the Minutes of the Regular Meeting of May 22, 2014 and the Special Meeting of June 5, 2014. **(Board Secretary)**

*The Motion to approve the Consent Items passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

3. MAJOR PROJECTS

There were no "Major Projects" discussed.

4. BUDGET & FINANCE

There were no "Budget & Finance" items discussed.

Commissioner **Uno**, left the meeting at 3:30 PM.

5. STRATEGY & POLICY

Items **5.1** and **5.2** were taken in reverse order.

Port Wharfinger, Ralph Reynoso, and Fred Castonguay, President and CEO of Port's America - Outer Harbor, reported to the Board on Item **5.2**.

5.2 **Report:** Maritime Truck Program Update **(Maritime)**

Chief Financial Officer, Sara Lee and Training and Development Supervisor, Janet Jackson, introduce the 2013-14 Leadership Academy. The two Leadership teams did a short presentation on their class projects.

5.1 **Report:** From Leadership Academy And Introduction Of Graduates **(Finance & Admin)**

6. REMAINING ACTION ITEMS

Information Technology Director, Ron Puccinelli, introduced Items **6.1**.

*A Motion to approve Item **6.1** was made by Commissioner **Colbruno**, and seconded by Commissioner **Head**.*

6.1 **Resolution:** Authorization for the Executive Director to Enter into a One Year Supplemental Agreement with 2Plus2 Partners for Website Maintenance Services **(Finance & Admin)**

*The Motion to approve Item **6.1** passed by the following votes: (6) Ayes: Commissioner **Colbruno**, 2nd Vice President **Hamlin**, Commissioner **Head**, Commissioner **Parker**, 1st Vice President **Yee** and President **Butner**; (1) Excused: Commissioner **Uno**.*

Commercial Real Estate Director, Pamela Kershaw, introduced Items **6.2**.

*A Motion to approve Item **6.2** was made by Commissioner **Colbruno**, and seconded by Commissioner **Head**.*

Commissioner **Parker** was out of the room during the discussion and vote on Item **6.2**

- 6.2 Ordinance:** Approval of a Five-Year License & Concession Agreement with Shanghai Sintang Industrial Co., Ltd. for the Premises Located at 2400 Embarcadero Road (**CRE**)

*The Motion to approve Item **6.2** passed by the following votes: (5) Ayes: Commissioner **Colbruno**, 2nd Vice President **Hamlin**, Commissioner **Head**, 1st Vice President **Yee** and President **Butner**; (2) Excused: Commissioner **Parker** and Commissioner **Uno**.*

Chief Wharfinger, Chris Peterson, introduced Items **6.3**.

*A Motion to approve Item **6.3** was made by Commissioner **Head**, and seconded by Vice-President **Hamlin**.*

- 6.3 Ordinance:** Amend Port of Oakland Tariff No. 2-A to Increase Space Assignment by 2.6%, and to Incorporate Administrative Updates Effective September 1, 2014 (**Maritime**)

*The Motion to approve Item **6.3** passed by the following votes: (6) Ayes: Commissioner **Colbruno**, 2nd Vice President **Hamlin**, Commissioner **Head**, Commissioner **Parker**, 1st Vice President **Yee** and President **Butner**; (1) Excused: Commissioner **Uno**.*

Item **6.4** was pulled on the recommendation of Chris Lytle.

- 6.4 PULLED Ordinance:** ~~Lease Agreement with Union Pacific Railroad Company for Approximately Six Acres of Land in the Roundhouse/Sherex Area for a Term of 66 Years (**Maritime**)~~

7. UPDATES/ANNOUNCEMENTS

Executive Director, Chris Lytle, reported on the Port's participation in the Agriculture Transportation Coalition Group ("ATCG"). Executive Director Lytle participated in a panel discussion on West Coast Labor.

*Commissioner **Colbruno** reported on the grand opening of Rosenblum Cellars, in Jack London Square, and invited those in attendance to join him for a glass of wine at the conclusion of the meeting.*

8. SCHEDULING

There were no "Scheduling" items.

OPEN FORUM

There were no speakers in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 4:47 p.m.

**John Betterton, Secretary
Board of Port Commissioners**

Date

J. CHRISTOPHER LYTLE
Executive Director

DANNY WAN
Port Attorney

ARNEL ATIENZA
Port Auditor

JOHN T. BETTERTON
Secretary of the Board

PORT OF OAKLAND

BOARD OF PORT COMMISSIONERS

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CESTRA BUTNER
President

ALAN S. YEE
First Vice-President

EARL HAMLIN
Second Vice-President

MICHAEL COLBRUNO
Commissioner

JAMES W. HEAD
Commissioner

BRYAN R. PARKER
Commissioner

VICTOR UNO
Commissioner

MINUTES

Regular Meeting of the Board of Port Commissioners

July 24, 2014 – 1:00 p.m.

Board Room – 2nd Floor

ROLL CALL

*President **Butner** called the Regular Meeting of the Board for July 24, 2014 to order at the hour of 1:07 p.m. and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

1. CLOSED SESSION

*President **Butner** convened the Board in Closed Session at the hour of 1:08 p.m. to hear the following Closed Session 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): **1 Matter**

1.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Pursuant to California Government Code Section 54956.8)

Property: Oakland Army Base
Negotiating Parties: Port of Oakland and CCIG/Prologis
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

Property: Berths 25-26
Negotiating Parties: Port of Oakland and Ports America Outer Harbor
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

Property: 555 Maritime Street, Oakland, CA
Negotiating Parties: Port of Oakland and Various Parties
Agency Negotiator: Director of Maritime, John Driscoll
Under Negotiation: Price and Terms of Tenancy

Property: 10051 Doolittle Drive, Oakland, CA
Negotiating Parties: Port of Oakland, City of Oakland and Oakland Golf, LLC
Agency Negotiator: Deborah Ale Flint, Director of Aviation & Tom Isaac, President-Oakland Golf, LLC
Under Negotiation: Price and Terms of Tenancy

1.3 CONFERENCE WITH LABOR NEGOTIATORS – (Pursuant to California Government Code Section 54957.6).

Employee Organizations: International Federation of Professional and Technical Engineers, Local 21 (IFPTE-Local 21); Services Employees International Union, Local 1021 (SEIU-Local 1021); Western Council of Engineers (WCE); and International Brotherhood of Electrical Workers, Local 1245 (IBEW-Local 1245)

1.4 CONFERENCE WITH LABOR NEGOTIATORS – (Pursuant to California Government Code Section 54957.6).

Unrepresented Employees: Unit H and Unit M

ROLL CALL/OPEN SESSION

*President **Butner** reconvened the Open Session of the Regular Meeting of the Board at 3:45 p.m. and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

CLOSED SESSION REPORT

The Port Attorney reported that no final actions were taken in Closed Session.

RATIFICATION OF ELECTION OF OFFICERS

The Board Secretary reported the outcome of the Election of Officers held at the previous meeting, to wit: Alan **Yee**, President; Ces **Butner**, 1st Vice-President and Earl **Hamlin**, 2nd Vice-President.

*A Motion to approve a Resolution Ratifying the Election of Officers on July 10, 2014 was made by Commissioner **Uno** and seconded by Commissioner **Head**.*

Resolution 14-71: Approval of a Resolution Declaring the Election of Officer at the meeting of July 10, 2014.

*The Motion to approve a Resolution Ratifying the Election of Officers, on July 10, 2014, passed by the following vote: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Yee** and President **Butner**.*

2. CONSENT ITEMS

The Board Secretary introduced the Consent Items.

*A Motion to approve the Consent Items (2.1 through 2.6) was made by Commissioner **Colbruno** and seconded by Vice-President **Butner**.*

- 2.1 **Resolution 14-72:** Approval of Increase to the Change Order Limit to Contract for Water Pipeline and Phase 1 Sanitary Sewer Improvements, Oakland International Airport **(Engineering)**
- 2.2 **Resolution 14-73:** Authorization to Enter into a Three Year Licensing Agreement for Adobe Acrobat Software **(Finance & Admin)**
- 2.3 **Ordinance 4302:** Creation of a New Classification of Manager of Utility Administration in the Engineering Division **(Finance & Admin)**
- 2.4 **Ordinance 4303:** Ordinance to Approve Space/Use Permit with Piedmont Hawthorne Aviation, LLC d/b/a Landmark Aviation for Office, Shop and Parking **(Aviation)**
- 2.5 **Ordinance 4300:** 2nd Reading Of An Ordinance Approving A Five-Year License And Concession Agreement With Shanghai Sintang Industrial Co., Ltd, For The Premises Located At 2400 Embarcadero Road, For A Monthly Rent Of \$7,442.00.
- 2.6 **Ordinance 4301:** 2nd Reading Of An Ordinance Amending Port Of Oakland Tariff No. 2-A To Increase Space Assignment Rates By 2.6%, And To Incorporate Administrative Updates Effective September 1, 2014.
- 2.7 **Report:** Appointments, Separations and Leaves of Absence for FY 2013-14, 4th Quarter (April 1, 2014 – June 30, 2014) **(Finance & Admin)**

*The Motion to approve the Consent Items (2.1 through 2.6) passed by the following vote: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**.*

3. MAJOR PROJECTS

BART's Group Leader for the Oakland Airport Connector, Tom Dunscombe, gave an update on the project.

- 3.1 **Report:** Major Project Update – BART Connector **(Aviation)**

Senior Maritime Projects Administrator, Mark Erickson, gave an update on the Oakland Army Base Project (Item **3.1**)

3.2 Report: Major Project Update - OAB (**Maritime**)

*A Motion to approve Item **3.3** was made by Vice-President **Hamlin**, and seconded by Commissioner **Butner**.*

3.3 Resolution 14-74: Construction & Reimbursement Agreement and a Material Procurement Agreement with Union Pacific Railroad Company (**Maritime & Engineering**)

*The Motion to approve Item **3.3** passed by the following vote: **(7) Ayes:** Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**.*

4. BUDGET & FINANCE

Chief Financial Officer, Sara Lee, reported on Item **4.1**.

4.1 Report: Unaudited Financials for 11 months ended May 31, 2014

5. STRATEGY & POLICY

The Director of Engineering, Chris Chan and the Director of Social Responsibility, Amy Tharpe reported on Item **5.1**.

5.1 Report: Review of the Public Works Bid Procedures and Recommended Modifications and Other Procurement Issues. (**Engineering**)

*The Manager of Governmental Affairs, Matt Davis, and the Executive Director of the Alameda County Transit Commission, Art Dao presented Item **5.2** to the Board.*

*A Motion to approve Item **5.2** was made by Commissioner **Uno**, and seconded by Commissioner **Parker**.*

5.2 Resolution 14-75: A Resolution to endorse and support the Alameda County Transportation Commission's Transportation Expenditure Plan and the extension and augmentation of the existing transportation sales tax on the November 2014 ballot (**Government Affairs**)

*The Motion to approve Item **5.2** passed by the following vote: **(7) Ayes:** Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**.*

6. REMAINING ACTION ITEMS

Ron Puccinelli, Director of Information Technologies, introduced Item **6.1**.

*A Motion to approve Item 6.1 was made by Vice-President **Hamlin**, and seconded by Commissioner **Parker**.*

6.1 Resolution 14-76 & 14-77: Authorization to Enter into Two Professional Services Contracts for ERP Support Services (**Finance & Admin**)

*The Motion to approve Item 6.1 passed by the following vote: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**.*

The Board Secretary introduced Item **6.2**.

*A Motion to approve Item 6.2 was made by Commissioner **Colbruno**, and seconded by Commissioner **Parker**.*

6.2 Resolution 14-78: Authorization to Enter into an Agreement to Purchase and Subscribe to Granicus Board Meeting Management Products (**Finance & Admin**)

*The Motion to approve Item 6.2 passed by the following vote: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**.*

Ron Puccinelli, Director of Information Technologies, introduced Item **6.3**.

*A Motion to approve Item 6.3 was made by Commissioner **Head**, and seconded by Commissioner **Uno**.*

6.3 Resolution 14-79: Authorize the Executive Director to Enter into an Agreement with the East Bay Regional Communications System Authority for Radio Services (**Finance & Admin**)

*The Motion to approve Item 6.3 passed by the following vote: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**.*

Commissioner **Colbruno** left the meeting at 6:02 pm.

Pamela Kershaw, Director of Commercial Real Estate introduced Item **6.4**.

*A Motion to approve Item 6.4 was made by Commissioner **Parker**, and seconded by Vice-President **Butner**.*

Savlan Hauser, Executive Director of the Jack London Improvement District addressed the Board in support of Item 6.4.

6.4 Resolution 14-80: Approval of the Draft Port Share Plan for the Fiscal Year 14-15 for the Jack London Improvement District **(CRE)**

The Motion to approve Item 6.4 passed by the following vote: (6) Ayes: Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee; (1) Excused: Commissioner Colbruno.

Chris Chan, Director of Engineering introduced Item **6.5**.

A Motion to approve Item 6.5 was made by Commissioner Head, and seconded by Commissioner Parker.

6.5 Resolution 14-81: Authorizations Relating to Rejection of All Bids for the Demolition of North Field Airport Traffic Control Tower, Oakland International Airport **(Aviation)**

The Motion to approve Item 6.5 passed by the following vote: (6) Ayes: Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee; (1) Excused: Commissioner Colbruno.

7. UPDATES/ANNOUNCEMENTS

Vice-President **Hamlin** reported on the July 17, 2014 Audit Committee

7.1 Report Out On The July 17, 2014 Audit Committee **(Hamlin)**

8. SCHEDULING

President **Yee** announced that the Board would be on recess until September 11th.

OPEN FORUM

Sandy Threllfall addressed the Board in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 6:19 p.m.

**John Betterton, Secretary
Board of Port Commissioners**

Date

J. CHRISTOPHER LYTLE
Executive Director

DANNY WAN
Port Attorney

ARNEL ATIENZA
Port Auditor

JOHN T. BETTERTON
Secretary of the Board

PORT OF OAKLAND
BOARD OF PORT COMMISSIONERS
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ALAN S. YEE
President

CESTRA BUTNER
First Vice-President

EARL HAMLIN
Second Vice-President

MICHAEL COLBRUNO
Commissioner

JAMES W. HEAD
Commissioner

BRYAN R. PARKER
Commissioner

VICTOR UNO
Commissioner

MINUTES

Regular Meeting of the Board of Port Commissioners
September 11, 2014 – 1:00 p.m.
Board Room – 2nd Floor

ROLL CALL

President **Yee** called the Regular Meeting of the Board for September 25, 2014 to order at the hour of 1:05 p.m. and the following Commissioners were in attendance:

Commissioner **Colbruno**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**.

Commissioner **Head** was excused.

1. CLOSED SESSION

President **Yee** convened the Board in Closed Session at the hour of 1:07 p.m. to hear the following Closed Session Items:

1.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Significant Exposure to Litigation Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9):

Vice-President **Butner** recused himself on the discussion of CMC Food ... and was not in the room during the discussion of the item.

CMC Food Services LLC and NNF Grewal, Inc., v. Port of Oakland, et al.; Alameda County Superior Court Case No.: RG13685134

Diane Carter v. Port of Oakland; WCAB No. ADJ7792333

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): **2 Matter**

1.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Pursuant to California Government Code Section 54956.8)

Property: Howard Terminal, 1 Market Street, Oakland, CA
Negotiating Parties: Port of Oakland and Oakland Waterfront Ballpark LLC
Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate
Under Negotiation: Price and Terms of Tenancy

Property: Oakland Army Base
Negotiating Parties: Prologis, LP; CCIG Oakland Global, LLC; Oakland Global Rail Enterprises, LLC and Port of Oakland
Agency Negotiator: John Driscoll, Director of Maritime
Under Negotiation: Price and Terms of Tenancy

Property: Roundhouse/Sherex Property, Middle Harbor
Negotiating Parties: Union Pacific Railroad Company and Port of Oakland
Agency Negotiator: John Driscoll, Director of Maritime
Under Negotiation: Price and Terms of Tenancy

Property: 555 Maritime Street, Oakland, CA (*approximately 38 acres of land currently occupied by Shippers Transport Express that is adjacent to the Port-owned rail terminal operated by Burlington Northern Santa Fe in the Port's Maritime area*)
Negotiating Parties: Port of Oakland, Lineage Logistics/Dreisbach Enterprises and Agro Merchants Global, Inc.
Agency Negotiator: John Driscoll, Director of Maritime; & Mike Heeneman Maritime Business Development & Marketing Rep
Under Negotiation: Price and Terms of Tenancy

Commissioner **Parker** left the meeting at 4:00 pm and did not participate in the discussion of Item **1.4**.

1.4 CONFERENCE WITH LABOR NEGOTIATORS – (Pursuant to California Government Code Section 54957.6).

Employee Organizations: International Federation of Professional and Technical Engineers, Local 21 (IFPTE-Local 21); Services Employees International Union, Local 1021 (SEIU-Local 1021); Western Council of Engineers (WCE); and International Brotherhood of Electrical Workers, Local 1245 (IBEW-Local 1245)

Unrepresented Employees: Unit H and M

Item 1.5 was canceled due to time constraints

1.5 ~~THREAT TO PUBLIC SERVICES OR FACILITIES~~—(Pursuant to California Code Section 54957).

~~**Consultation with:** Michael O'Brien
Port Facilities Security Officer~~

ROLL CALL/OPEN SESSION

President Yee reconvened the Open Session of the Regular Meeting of the Board at 4:38 p.m. and the following Commissioners were in attendance:

*Commissioner **Colbruno**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**.*

*Commissioner **Head** and Commissioner **Parker** were excused.*

President **Yee** asked that the body observe a moment of silence to remember those who lost their lives on the terrorist attack against the United States on September 11, 2001.

CLOSED SESSION REPORT

Port Attorney, Danny Wan, reported that the Board had taken a final action in Closed Session.

*On a Motion by Commissioner **Colbruno**, seconded by Vice-President **Butner**, the Board voted **(5) Ayes:** Commissioner **Colbruno**, Commissioner **Uno**, 1st Vice President **Butner**, 2nd Vice-President **Hamlin** and President **Yee**; **(2) Excused:** Commissioner **Head** and Commissioner **Parker**, to approve the following:*

Resolution 14-84: Resolution Authorizing The Port Attorney and The Northern California Power Agency (NCPA) To File An Action Against The US Bureau Of Reclamation For Overcharges.

Margret Gordon, Jahmese Myres and Emmanuel Pavia addressed the Board on Closed Session Item **1.3**.

2. CONSENT ITEMS

The Board Secretary introduced the Consent Items.

*A Motion to approve the Consent Items was made by Commissioner **Colbruno** and seconded by Vice-President **Hamlin**.*

2.1 Resolution 14-86: Adoption of Procurement Targets For Energy Storage Systems (Engineering)

- 2.2 **Resolution 14-87, 14-88, 14-89, 14-90, 14-91, 14-92, 14-93, 14-94, 14-95, 14-96, 14-97, 14-98, 14-99, 14-100, 14-101, 14-102, 14-103, 14-104, 14-105 & 14-106:** Fiscal Year 2013/2014 On-Call Contract Usage Report and Authorization for the Executive Director to Execute Various On-Call Contracts **(Engineering)**
- 2.3 **Resolution 14-107:** Building Permit Application: Chevron, 7799 Earhart Road - Installation of an HVAC unit at Hangar 10 **(Engineering)**
- 2.4 **Resolution 14-108:** : Building Permit Application: Landmark Aviation, 8991 Earhart Road - Install modular building for Calstar at Hangar 3 **(Engineering)**
- 2.5 **Resolution 14-109:** Building Permit Application: Aviation Institute of Mechanics (AIM), 9260 Earhart Road - Relocate Existing Monument Sign **(Engineering)**
- 2.6 **Ordinance 4304:** Approval of Two Space/Use Permits with Airline Services Providers Operating at Oakland International Airport **(Aviation)**
- 2.7 **Ordinance 4305:** Approval of a Space/Use Permit with Aviation Port Services, L.L.C. at Oakland International Airport **(Aviation)**
- 2.8 **Resolution 14-110:** Approval of a three (3) year contract renewal with the United States Department of Agriculture-Wildlife Services (USDA-WS) for Wildlife Management Services **(Aviation)**
- 2.9 **Ordinance 4302:** 2nd Reading Of An Ordinance Amending Port Ordinance No. 867 Creating A New Classification Of Manager Of Utility Administration.
- 2.10 **Ordinance 4303:** 2nd Reading Of An Ordinance Approving And Ratifying A Space/Use Permit With Piedmont Hawthorne Aviation, LLC Dba Landmark Aviation.
- 2.11 **Minutes:** Approval of the Minutes of the Regular Meetings of June 26, 2014, July 10, 2014 and July 24, 2014. **(Board Secretary)**
- 2.12 **Report:** Informational Report: Quarterly Report of Construction Change Orders for 4th Quarter FY 13/14 **(Engineering)**
- 2.13 **Report:** Informational Report: Annual Change Order Report on Construction Contracts Completed during FY 13/14 **(Engineering)**

3. MAJOR PROJECTS

Delphine Prevost, Manager of Maritime Administration and Finance Services presented Items 3.1, 6.1 and 6.2.

*A Motion to approve Item 3.1 was made by Commissioner **Hamlin** and seconded by Commissioner **Butner**.*

- 3.1 **Resolution 14-111:** Approval of a Supplement Agreement with Parsons Transportation Group, Inc. for the Design Services Related to the Development of the Port Portion of the

Former Oakland Army Base(**Engineering**)

*The Motion to approve Item 3.1 passed by the following votes: (5) Ayes: Commissioner **Colbruno**, Commissioner **Uno**, 1st Vice President **Butner**, 2nd Vice-President **Hamlin** and President **Yee**; (2) Excused: Commissioner **Head** and Commissioner **Parker***

6. REMAINING ACTION ITEMS

Items 6.1 and 6.2 were taken out of order.

*A Motion to approve Item 6.1 was made by Commissioner **Hamlin** and seconded by Vice-President **Butner**.*

Jason Baker addressed the Board on Item 6.1.

- 6.1 **Ordinance 4306:** Lease Agreement with Union Pacific Railroad Company for up to Six Acres of Land at Roundhouse Property for a Term of up to 66 Years (**Maritime**)

*The Motion to approve Item 6.1 passed by the following votes: (5) Ayes: Commissioner **Colbruno**, Commissioner **Uno**, 1st Vice President **Butner**, 2nd Vice-President **Hamlin** and President **Yee**; (2) Excused: Commissioner **Head** and Commissioner **Parker***

*A Motion to approve Item 6.2 was made by Commissioner **Hamlin** and seconded by Vice-President **Butner**.*

- 6.2 **Resolution 14-113:** Construction and Reimbursement Agreement with Union Pacific Railroad Company for New Lead Track to Former Oakland Army Base Rail Yard (**Maritime**)

*The Motion to approve Item 6.2 passed by the following votes: (4) Ayes: Commissioner **Colbruno**, 1st Vice President **Butner**, 2nd Vice-President **Hamlin** and President **Yee**; (1) No: Commissioner **Uno**; (2) Excused: Commissioner **Head** and Commissioner **Parker***

4. BUDGET & FINANCE

Chief Financial Officer, Sara Lee, introduced Item 4.1.

*A Motion to approve Item 4.1 was made by Commissioner **Uno** and seconded by Vice-President **Butner**.*

- 4.1 **Resolution 14-112:** Adoption of Audit Committee Charter

*The Motion to approve Item 4.1 passed by the following votes: (5) Ayes: Commissioner **Colbruno**, Commissioner **Uno**, 1st Vice President **Butner**, 2nd Vice-President **Hamlin** and President **Yee**; (2) Excused: Commissioner **Head** and Commissioner **Parker***

5. STRATEGY & POLICY

There were no Strategy & Policy Items

7. UPDATES/ANNOUNCEMENTS

Chief Executive Officer, Sara Lee, introduced the new Director of Human Resources – Christopher Boucher.

Delphine Prevost, Manager of Maritime Administration and Finance Services, introduced the new Senior Maritime Projects Administrator – Pia Franzese

Aviation Director, Deborah Ale-Flint, introduced Joan Zatopek who was recently promoted to Aviation Planning and Development Manager and Susan Fizzell who was recently promoted to Associate Aviation Project Manager

Aviation Director, Deborah Ale-Flint, reported that the Terminal 1 Utility Plant had been completed.

*Commissioner **Colbruno** reported on his attendance at the Airport's Council International Conference in Atlanta Georgia.*

Commercial Real Estate Director, Pamela Kershaw, reported on the upcoming Eat Real Festival and the Opening of Jack's Oyster Bar and Fish House in Jack London Square.

8. SCHEDULING

There were no scheduling Items.

OPEN FORUM

There were no speakers in Open Forum.

President **Yee** asked for a moment of silence in remembrance of two Port employees who were recently deceased: Reven McClain and Verdester Edgar.

ADJOURNMENT

There being no additional business the Board adjourned at 5:30 p.m.

**John Betterton, Secretary
Board of Port Commissioners**

Date

J. CHRISTOPHER LYTLE
Executive Director

DANNY WAN
Port Attorney

ARNEL ATIENZA
Port Auditor

JOHN T. BETTERTON
Secretary of the Board

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JAMES W. HEAD
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BRYAN R. PARKER
Commissioner

VICTOR UNO
Commissioner

MINUTES

Regular Meeting of the Board of Port Commissioners
September 25, 2014 – 1:00 p.m.
Board Room – 2nd Floor

ROLL CALL

President Yee called the Regular Meeting of the Board for September 25, 2014 to order at the hour of 1:07 p.m. and the following Commissioners were in attendance:

Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee.

1. CLOSED SESSION

President Yee convened the Board in Closed Session at the hour of 1:05 p.m. to hear the following Closed Session Items:

- 1.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** (Significant Exposure to Litigation Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9):

Roland Flores v. Tarlochan Singh; Kaur Rajvindger et al, Does 1 to 40; Alameda County Superior Court, Case No. RG10543161

- 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): **1 Matter**

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

Property: Oakland Army Base
Negotiating Parties: Prologis, LP; CCIG Oakland Global, LLC; Oakland Global Rail Enterprises, LLC and Port of Oakland
Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Price and Terms of Tenancy

1.4 THREAT TO PUBLIC SERVICES OR FACILITIES – (Pursuant to California Government Code Section 54957).

Consultation with: Michael O'Brien
Port Facilities Security Officer

1.5 CONFERENCE WITH LABOR NEGOTIATORS – (Pursuant to California Government Code Section 54957.6).

Employee Organizations: International Federation of Professional and Technical Engineers, Local 21 (IFPTE-Local 21); Services Employees International Union, Local 1021 (SEIU-Local 1021); Western Council of Engineers (WCE); and International Brotherhood of Electrical Workers, Local 1245 (IBEW-Local 1245)

Unrepresented Employees: Unit H and M

1.6 PUBLIC EMPLOYEE PERFORMANCE EVALUATION – (Pursuant to California Government Code Section 54957)

Title: Executive Director

ROLL CALL/OPEN SESSION

President Yee reconvened the Open Session of the Regular Meeting of the Board at 3:37 p.m. and the following Commissioners were in attendance:

Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee.

CLOSED SESSION REPORT

Port Attorney, Danny Wan, reported that the Board had taken action at it's' meeting on September 11th.

On a Motion by Commissioner Uno, seconded by Commissioner Parker, the Board voted (6) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, and President Yee; (1) Recused: 1st Vice President Butner; to approve the following:

Resolution 14-84 Resolution (1) Approving Terms And Conditions Of and Authorizing Executive Director To Approve and Execute Settlement and Mutual Release Agreement Would Host International Inc. and Unite Here Local 2850; and (2) Authorizing And Approving Increases To Retention Of Special Counsel Schnader Harrison Segal And Louis, LLP, Not –To- Exceed \$1,300,000

*Vice-President **Butner** recused himself on the item and was not in the room during the deliberation or vote on the item.*

2. CONSENT ITEMS

The Board Secretary introduced the Consent Items.

*A Motion to approve the Consent Items was made by Commissioner **Parker** and seconded by Vice-President **Hamlin**.*

- 2.1 **Resolution 14-115:** Third Supplemental Agreement to the Professional Services Agreement with Ensminger Consulting to Continue Property Management of the Oakland Maintenance Center for an Additional Six Month Term (**Aviation**)
- 2.2 **Ordinance 4304:** 2nd Reading Of An Ordinance Approving Various Space/Use Permits With Airline Services Providers Operating At Oakland International Airport.
- 2.3 **Ordinance 4305:** 2nd Reading Of An Ordinance Approving A Space/Use Permit With Aviation Port Services L.L.C. At Oakland International Airport.
- 2.4 **Ordinance 4306:** 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Execute A No-Rent Lease Agreement With Union Pacific Railroad Company For Six Acres Of Land In The Roundhouse/Sherex Area For A Term Of 66 Years In Exchange For The Displacement Of Approximately Six Acres Of Parking And Storage Uses On Union Pacific Lands For The New South Lead Tracks To The Port's New Rail Yard In The Oakland Army Base.

*The Motion to approve the Consent Items passed by the following votes: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**.*

3. MAJOR PROJECTS

Delphine Prevost, Manager of Maritime Administration and Finance Services reported on Item **3.1**.

- 3.1 **Report:** Shorepower Major Project Update (**Maritime**)

Commercial Real Estate Director, Pamela Kershaw, introduced Devan Reef and Ed Manassy from the City of Oakland to report on Item **3.2**.

- 3.2 **Report:** Informational Report on the Coliseum Area Specific Plan from the City of Oakland (**CRE**)

4. BUDGET & FINANCE

There were no Budget Items.

5. STRATEGY & POLICY

Item **5.1** was pulled due to time constraints. The President directed that the Item be brought back for the meeting of October 9, 2014.

5.1 **PULLED** Report by FM3 (~~Dave Metz~~) on Public Opinion Poll Results (~~Communications~~)

6. REMAINING ACTION ITEMS

Maritime Director, John Driscoll, introduced Mike Heeneman, Maritime Development & Business Representative to report on Item **6.1**.

*A Motion to approve Item **6.1** was made by Commissioner **Parker** and seconded by Commissioner **Colbruno**.*

Chris Hughes of Argo, Kevin Marchetti of Bay Grove, Diego Lobo of Lineage and Jason Dreisbach of Driesbach Enterprises addressed the Board on the item.

The following members of the Public addressed the Board on the item: Cris Mann, Ron Dean, Mike Baldwin, Dan Powers, Noel Gallo, Mark Everton, Pete Escovedo, Ben McBride, Lynn Mabry, P.J. Shelton and Betsy Biern.

6.1 **Resolution:** Exclusive Negotiating Agreement with ~~Agro Merchants Global, Inc.~~ Lineage Logistics/Dreisbach Enterprises for Development of "Cool Port Oakland" Logistics Site (**Maritime**)

The makers of the Motion clarified their support for Option 2 (To enter into an agreement with Lineage Logistics/Dreisbach Enterprises.

*The Motion to approve Item **6.1 (Option 2)** passed by the following votes: **(7) Ayes:** Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**.*

7. UPDATES/ANNOUNCEMENTS

*Vice-President **Hamlin** reported on the first flight directly from China to Oakland International Airport. He was on-hand to greet the passengers and top agricultural officials. He extended special thanks to the Customs and Border Protection details for the speedy processing of the travelers through customs.*

8. SCHEDULING

There were no Scheduling items.

OPEN FORUM

There were no speakers in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 6:28 p.m.

**John Betterton, Secretary
Board of Port Commissioners**

Date

J. CHRISTOPHER LYTLE
Executive Director

DANNY WAN
Port Attorney

ARNEL ATIENZA
Port Auditor

JOHN T. BETTERTON
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BRYAN R. PARKER
Commissioner

VICTOR UNO
Commissioner

MINUTES

Regular Meeting of the Board of Port Commissioners

October 9, 2014 – 1:00 p.m.

Board Room – 2nd Floor

ROLL CALL

President Yee called the Regular Meeting of the Board for October 9, 2014 to order at the hour of 1:05 p.m. and the following Commissioners were in attendance:

Commissioner Colbruno, Commissioner Head, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee.

Commissioner Parker was excused.

1. CLOSED SESSION

President Yee convened the Board in Closed Session at the hour of 1:06 p.m. to hear the following Closed Session Items:

- 1.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** (Significant Exposure to Litigation Pursuant to Paragraph (1) of Subdivision (d) of California Government Code Section 54956.9):

Abeje Tarfere v. Port of Oakland; Alameda County Superior Court Case No.: RG13685692

- 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): **1 Matter**

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

Property: Oakland Army Base
Negotiating Parties: Prologis, LP; CCIG Oakland Global, LLC; Oakland Global Rail Enterprises, LLC and Port of Oakland
Agency Negotiator: John Driscoll, Director of Maritime
Under Negotiation: Price and Terms of Tenancy

1.4 THREAT TO PUBLIC SERVICES OR FACILITIES – (Pursuant to California Government Code Section 54957).

Consultation with: Michael O'Brien
Port Facilities Security Officer

1.5 CONFERENCE WITH LABOR NEGOTIATORS – (Pursuant to California Government Code Section 54957.6).

Employee Organizations: International Federation of Professional and Technical Engineers, Local 21 (IFPTE-Local 21); Services Employees International Union, Local 1021 (SEIU-Local 1021); Western Council of Engineers (WCE); and International Brotherhood of Electrical Workers, Local 1245 (IBEW-Local 1245)

Unrepresented Employees: Unit H and M

1.6 PUBLIC EMPLOYEE PERFORMANCE EVALUATION – (Pursuant to California Government Code Section 54957)

Title: Executive Director
Port Attorney

ROLL CALL/OPEN SESSION

*President **Yee** reconvened the Open Session of the Regular Meeting of the Board at 4:49 p.m. and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**.*

*Commissioner **Parker** was excused.*

CLOSED SESSION REPORT

The Port Attorney reported that no final actions were taken in Closed Session.

Items **5.1** and **5.2** were taken out of order.

STRATEGY & POLICY

Commissioner **Uno** introduced Item **5.3**.

A Motion to approve Item **5.3** was made by Commissioner **Colbruno**, and seconded by Commissioner **Hamlin**.

Andreas Cluver, Barry Luboviski and Lee Halterman addressed the Board.

- 5.3 Resolution 14-119:** Resolution Honoring H. Lee Halterman for His Many Years of Dedicated Service to the Maritime and Aviation Project Labor Agreement (**SRD**)

The Motion to approve Item 5.3 passed by the following vote: (6) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee; (1) Excused: Commissioner Parker.

Commissioner **Uno** left the meeting at 5:12 p.m.

The Director of the Social Responsibility Division, Amy Tharpe, introduced Item **5.2** and Jake Sloan, of Davalier Sloan, gave the report

- 5.2 Report:** Maritime and Aviation Project Labor Agreement (MAPLA) Annual Progress Report Summary (July 1, 2013 - June 30, 2014) (**SRD**)

2. CONSENT ITEMS

The Board Secretary introduced the Consent Items.

A Motion to approve the Consent Items (2.1 and 2.2) was made by Commissioner Colbruno and seconded by Vice-President Butner.

- 2.1 Resolution 14-118:** Building Permit Application: The Hertz Corporation, 8000 Earhart Road (Quick Turnaround Facility) - Installation of 275 feet of electrical conduit (**Engineering**)
- 2.2 Ordinance 4307:** Request for Authorization to Extend the Delegation of Authority to the Executive Director to Fix and Determine Requested Rate Charges for the Marina Berths Encumbered by a Department of Boating and Waterways Loan (**CRE**)

The Motion to approve the Consent Items (2.1 and 2.2) passed by the following votes: (6) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee; (1) Excused: Commissioner Parker.

3. MAJOR PROJECTS

There were no Major Projects.

4. BUDGET & FINANCE

Chief Financial Officer, Sara Lee, reported on Items **4.1** and **4.2**.

4.1 Report: Fiscal Year 2014 Financial Highlights

4.2 Report: Overview of Financial Reporting Process

Port Auditor Arnel Atienza presented Item **4.3**

4.3 Report: Overview of Internal Controls (**Audit Services**)

5. STRATEGY & POLICY

Media/Public Relations Manager, Roberto Bernardo, introduced Dave Metz of FM3 who reported on Item **5.1**.

5.1 Report: Report by FM3 (Dave Metz) on Public Opinion Poll Results (**Communications**)

6. REMAINING ACTION ITEMS

There were no Remaining Action Items.

7. UPDATES/ANNOUNCEMENTS

Aviation Director Deborah Ale-Flint reported on two non-stop flights from China that had recently called on the Oakland International Airport.

Executive Director, Chris Lytle, introduced, the new Director of Communications, Mike Zampa.

8. SCHEDULING

There were no Scheduling Items.

OPEN FORUM

There were no speakers in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 6:28 p.m.

**John Betterton, Secretary
Board of Port Commissioners**

Date

J. CHRISTOPHER LYTLE
Executive Director

DANNY WAN
Port Attorney

ARNEL ATIENZA
Port Auditor

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Commissioner

JAMES W. HEAD
Commissioner

BRYAN R. PARKER
Commissioner

VICTOR UNO
Commissioner

Minutes

Regular Meeting of the Board of Port Commissioners

October 23, 2014 – 1:00 p.m.

Board Room – 2nd Floor

ROLL CALL

President Yee called the Regular Meeting of the Board for October 23, 2014 to order at the hour of 1:05 p.m. and the following Commissioners were in attendance:

Commissioner Colbruno, Commissioner Head, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee.

Commissioner Parker arrived at 1:13 p.m.

1. CLOSED SESSION

President Yee convened the Board in Closed Session at the hour of 1:06 p.m. to hear the following Closed Session 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): **2 Matters**
- 1.2 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** – (Pursuant to California Government Code Section 54956.8)

Property: One Market Street, Oakland, CA (Howard Terminal)
Negotiating Parties: Oakland Waterfront Ballpark and Port of Oakland
Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate
Under Negotiation: Price and Terms of Tenancy

Property: Oakland Army Base
Negotiating Parties: Prologis, LP; CCIG Oakland Global, LLC; Oakland Global Rail Enterprises, LLC and Port of Oakland
Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Price and Terms of Tenancy

Property: Berths 55-56 and Berths 57-59 Marine Terminals
Negotiating Parties: SSAT (Oakland) LLC and Port of Oakland
Agency Negotiator: John Driscoll, Director of Maritime
Under Negotiation: Price and Terms of Tenancy

Property: Berths 25-26 (Port of Oakland)
Negotiating Parties: Ports America Outer Harbor Terminal, LLC and Port of Oakland
Agency Negotiator: John Driscoll, Director of Maritime
Under Negotiation: Price and Terms of Tenancy

1.3 CONFERENCE WITH LABOR NEGOTIATORS – (Pursuant to California Government Code Section 54957.6).

Employee Organizations: International Federation of Professional and Technical Engineers, Local 21 (IFPTE-Local 21); Services Employees International Union, Local 1021 (SEIU-Local 1021); Western Council of Engineers (WCE); and International Brotherhood of Electrical Workers, Local 1245 (IBEW-Local 1245)

Unrepresented Employees: Unit H and M

1.4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION – (Pursuant to California Government Code Section 54957)

Title: Executive Director

ROLL CALL/OPEN SESSION

President Yee reconvened the Open Session of the Regular Meeting of the Board at 4:27 p.m. and the following Commissioners were in attendance:

Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee.

CLOSED SESSION REPORT

Port Attorney, Danny Wan, reported that the Board had taken action at it's' meeting on September 11th.

On a Motion by Commissioner Uno, seconded by Commissioner Hamlin, the Board voted (6) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee; (1) Excused: Commissioner Parker; to approve the following:

Resolution 14-82: Resolution Approving and Authorizing Settlement in the Workers'

Compensation Appeals Board Matter, Case No. 40052 V. Port of Oakland.

The Port Attorney reported the Board took final action on the following Resolution in Closed Session.

*On a Motion by Commissioner **Colbruno**, seconded by Commissioner **Butner**, the Board voted **(6) Ayes**: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**; **(1) Excused**: Commissioner **Parker**; to approve the following:*

Resolution 14-120: 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.

2. CONSENT ITEMS

The Assistant Board Secretary introduced the Consent Items.

*A Motion to approve the Consent Items (2.1 through 2.7) was made by Commissioner **Colbruno** and seconded by Commissioner **Head**.*

- 2.1 **Resolution 14-121:** Delegation of Authority to the Executive Director to Execute a Local Resource Adequacy Capacity Transaction Agreement **(Engineering/Utilities)**
- 2.2 **Resolution 14-122:** Building Permit Application: Piedmont Hawthorne (Landmark) Aviation, Interior improvements for sub-tenant (Visa) at Hangar 9, 7683 Earhart Road **(Engineering)**
- 2.3 **Resolution 14-123:** Building Permit Application: Crown Castle, Modifications to equipment at cell site, 100 Burma Road **(Engineering)**
- 2.4 **Resolution 14-124:** Building Permit Application: Piedmont Hawthorne Aviation, LLC dba Landmark Aviation, Interior tenant improvements to the approximately 2000 square foot space leased to CALSTAR, 9351 Earhart Road, (L-142) **(Engineering)**
- 2.5 **Resolution 14-125:** Approval to Reimburse the City of Oakland for General Services and Lake Merritt Trust Services Rendered in Fiscal Year 2013-14. **(Finance & Admin)**
- 2.6 **Ordinance 4308:** Approval of Amendment No. 1 to Space/Use Permit –Public Pay Telephone Concession with Jaroth Inc., d/b/a Pacific Telemangement Services **(Aviation)**
- 2.7 **Ordinance 4307:** 2nd Reading of An Ordinance Finding And Determining That It Is In The Best Interest Of The Port Of Oakland To Approve The Extension Of Delegation Of Authority To Fix And Determine Requested Rate Changes For The Marina Berths Encumbered By A Department Of Boating And Waterways Loan (“DBW”) To The Executive Director Until August 2029.

- 2.8 Report:** Report of Appointments, Separations and Leaves of Absence for FY 2014-15, 1st Quarter (July 1, 2014 – September 30, 2014) **(Finance & Admin)**

The Motion to approve the Consent Items (2.1 through 2.7) passed by the following votes: (7) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee.

3. MAJOR PROJECTS

BART's Group Leader for the Oakland Airport Connector, Tom Dunscombe, report on Item 3.1.

- 3.1 Report:** Bart Connector Major Project Update **(Aviation)**

Item 6.3 was taken out of order.

The Director of Aviation, Deborah Ale Flint, introduced Item 6.3

A Motion to approve Item 6.3 was made by Commissioner Uno, and seconded by Commissioner Head.

- 6.3 Resolution 12-128:** Approval of a *Letter Agreement* with the San Francisco Bay Area Rapid Transit District (BART) Providing for an Airport Badged Employee Discount Fare Program **(Aviation)**

The Motion to approve Item 6.3 passed by the following vote: (7) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee.

4. BUDGET & FINANCE

There were no Budget & Finance Items.

5. STRATEGY & POLICY

Port Attorney, Danny Wan, presented Item 5.1.

Commissioner Parker left the meeting at 5:06 p.m.

- 5.1 Report:** Review proposed provisions of a new purchasing ordinance to replace existing Port Ordinance 1606, delegating to the Executive Director certain contracting authority, establishing competitive bidding and proposal procedures and setting certain contract requirements for purchase of goods and services. **(Finance/Admin & Port Attorney)**

Director of Engineering, Chris Chan, presented Item 5.2.

- 5.2 Report:** Proposed Revisions and Update to the Port's Standard Contract Provisions for Public Works Projects **(Engineering)**

Chief Technology Officer, Ron Puccinelli, reported on Item **5.3**.

5.3 Report: Informational Report on Oracle ERP System (**Finance & Admin**)

Human Resource Director, Christopher Boucher, introduced Item **5.4**.

*A Motion to approve Item **5.4** was made by Commissioner **Head**, and seconded by Vice-President **Butner**.*

5.4 Resolution 14-126: Rescission of Port Resolution No. 01020 and Corresponding Administrative Policy 425 (regarding Unit H salary administration) (**Finance & Admin**)

*The Motion to approve Item **5.4** passed by the following vote: **(6) Ayes:** Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**; **(1) Excused:** Commissioner **Parker**.*

6. REMAINING ACTION ITEMS

Maritime Director, John Driscoll, introduced Item **6.1**.

A Motion to approve Item **6.1** was made by Commissioner **Colbruno**, and seconded by Vice-President **Hamlin**.

6.1 Resolution 14-27: Authorization to Award Security Services Contract for Middle Harbor Shoreline Park (MHSP) (**Maritime**)

Ray Thrower addressed the board on Item 6.1

*The Motion to approve Item **6.1** passed by the following vote: **(6) Ayes:** Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**; **(1) Excused:** Commissioner **Parker**.*

Maritime Director, John Driscoll, introduced Item **6.1**.

*A Motion to approve Item **6.2** was made by Commissioner **Colbruno**, and seconded by Vice-President **Butner**.*

6.2 Ordinance 4309: Authorization to Negotiate and Execute Certain Amendments to Agreements and Related Documents with SSA Terminals, LLC and its Affiliates for the Berths 55-56 and Berths 57-59 Marine Terminals Related to Compensation, Term, and Certain Equipment (**Maritime**)

*The Motion to approve Item **6.2** passed by the following vote: **(6) Ayes:** Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**; **(1) Excused:** Commissioner **Parker**.*

Director of Aviation, Deborah Ale Flint, introduced Item **6.4**.

*A Motion to approve Item 6.4 was made by Commissioner **Colbruno**, and seconded by Vice-President **Butner**.*

6.4 Resolution 14-129: Capital Budget Authorization to Procure Equipment for Use by Aviation and Maritime Departments; Designation of Existing Equipment as Inadequate, Obsolete or Worn-Out and Approval to Sell, Donate, or Dispose of Such Property **(Aviation/Maritime)**

*The Motion to approve Item 6.4 passed by the following vote: **(6) Ayes:** Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**; **(1) Excused:** Commissioner **Parker**.*

7. UPDATES/ANNOUNCEMENTS

Vice-President **Hamlin** reported on the Audit Committee.

Human Resource Director Christopher Boucher and Human Resource Supervisor, Stacie Chestnut reported on the Port of Oakland's Wellness Program and presented the Board with the award from the American Heart Association.

President **Yee**, Executive Director, Chris Lytle, and Maritime Director, John Driscoll, reported on the recent Trade Mission to Asia where they met with customers and attended the Annual Trans Pacific Maritime Conference. In Asia they met with customers in Singapore, Hong Kong, Taipei and China.

8. SCHEDULING

There were no Scheduling Items.

OPEN FORUM

There were no speakers in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 6:05 p.m.

Daria Edgerly, Assistant Secretary
Board of Port Commissioners

Date

J. CHRISTOPHER LYTLE
Executive Director

DANNY WAN
Port Attorney

ARNEL ATIENZA
Port Auditor

JOHN T. BETTERTON
Secretary of the Board

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President

CESTRA BUTNER
First Vice-President

EARL HAMLIN
Second Vice-President

MICHAEL COLBRUNO
Commissioner

JAMES W. HEAD
Commissioner

BRYAN R. PARKER
Commissioner

VICTOR UNO
Commissioner

MINUTES

Regular Meeting of the Board of Port Commissioners
November 13, 2014 – 1:00 p.m.
Board Room – 2nd Floor

ROLL CALL

President Yee called the Regular Meeting of the Board for November 13, 2014 to order at the hour of 1:06 p.m. and the following Commissioners were in attendance:

Commissioner Colbruno, Commissioner Head, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee.

Commissioner Parker joined the meeting at 1:33 p.m.

1. CLOSED SESSION

President Yee convened the Board in Closed Session at the hour of 1:08 p.m. to hear the following Closed Session 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): **1 Matter**
- 1.2 **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** – (Pursuant to California Government Code Section 54956.8)

Property: One Market Street, Oakland, CA
Negotiating Parties: Oakland Waterfront Ballpark and Port of Oakland
Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate
Under Negotiation: Price and Terms of Tenancy

Property: Oak Street at Embarcadero, Oakland, CA
Negotiating Parties: Backyard Oakland LLC and Port of Oakland
Agency Negotiator: Pamela Kershaw, Director of Commercial Real Estate
Under Negotiation: Price and Terms of Tenancy

Property: Oakland Army Base
Negotiating Parties: Prologis, LP; CCIG Oakland Global, LLC; Oakland Global Rail Enterprises, LLC and Port of Oakland
Agency Negotiator: John Driscoll, Director of Maritime
Under Negotiation: Price and Terms of Tenancy

Property: Berths 25-26 (Port of Oakland)
Negotiating Parties: Ports America Outer Harbor Terminal, LLC and Port of Oakland
Agency Negotiator: John Driscoll, Director of Maritime
Under Negotiation: Price and Terms of Tenancy

Property: 555 Maritime Street, Oakland (*Approximately 38 acres of land currently occupied by Shippers Transport Express that is adjacent to the Port-owned rail terminal operated by Burlington Northern Santa Fe in the Port's Maritime area*).
Negotiating Parties: Lineage Logistics and Port of Oakland
Agency Negotiator: John Driscoll, Director of Maritime
Under Negotiation: Price and Terms of Tenancy

1.3 THREAT TO PUBLIC SERVICES OR FACILITIES – (Pursuant to California Government Code Section 54957)

Consultation with: Michael O'Brien
Port Facilities Security Officer

1.4 CONFERENCE WITH LABOR NEGOTIATORS – (Pursuant to California Government Code Section 54957.6).

Employee Organizations: International Federation of Professional and Technical Engineers, Local 21 (IFPTE-Local 21); Services Employees International Union, Local 1021 (SEIU-Local 1021); Western Council of Engineers (WCE); and International Brotherhood of Electrical Workers, Local 1245 (IBEW-Local 1245)

Unrepresented Employees: Unit H and M

ROLL CALL/OPEN SESSION

President Yee reconvened the Open Session of the Regular Meeting of the Board at 3:42 p.m. and the following Commissioners were in attendance:

Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee.

SPECIAL OPEN FORUM

Red Wetherill addressed the Board in a Special Open Forum.

CLOSED SESSION REPORT

Port Attorney, Danny Wan, reported that the Board had taken no final actions in Closed Session.

2. CONSENT ITEMS

The Board Secretary introduced the Consent Items.

A Motion to approve the Consent Items (2.1 through 2.8) was made by Vice-President Butner and seconded by Commissioner Parker.

- 2.1 **Resolution 14-131:** Authorization to Execute a Cooperative Policing Agreement with the San Francisco Bay Area Rapid Transit District (BART) and the Alameda County Sheriff's Office (ACSO) regarding the on-Airport portion of the BART Oakland Airport Extension **(Aviation)**
- 2.2 **Resolution 14-132:** Approval of a Letter Agreement with the San Francisco Bay Area Rapid Transit District (BART) to Extend AirBART Bus Shuttle Service **(Aviation)**
- 2.3 **Resolution 14-133:** Authorization to Execute a Letter of Agreement with the Transportation Security Administration (TSA) for Installation, Maintenance, and Operation of TSA Security Checkpoint Duress Alarms **(Aviation)**
- 2.4 **Resolution 14-134:** Building Permit Application: Landmark Aviation, Reconstruction of ramp pavement adjacent to Hangar 5, 8517 Earhart Road, Hangar 5 Apron **(Engineering)**
- 2.5 **Resolution 14-135:** Building Permit Application: Landmark Aviation, Installation of a new light pole, approximately 17 feet high, at the Gate 17 vehicle entrance near Hangar 9, 7683 Earhart Road, Gate 17 (at Hangar 9). **(Engineering)**
- 2.6 **Ordinance 4308:** 2nd Reading of An Ordinance Approving Amendment No. 1 To Space/Use Permit – Public Pay Telephone Concession With Jaroth, Inc. Doing Business As Pacific Telemangement Services For Public Pay Telephone Concession Privileges At Oakland International Airport.

- 2.7 **Ordinance 4309:** 2nd Reading of An Ordinance Authorizing The Executive Director To Negotiate And Execute Amendments To The Current Existing Agreements And Other Related Documents With SSA Terminals, LLC And Its Affiliates For The Use And Occupancy Of The Berths 55-56 And Berths 57-59 Marine Terminals Related To Compensation, Term And Certain Equipment.
- 2.8 **Minutes:** Approval of the Minutes of the Regular Meetings of September 11, 2014, September 25, 2014, October 9, 2014 and October 23, 2014. **(Board Secretary)**

The Motion to approve the Consent Items (2.1 through 2.8) passed by the following votes: (7) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee.

3. MAJOR PROJECTS

The Director of Maritime, John Driscoll, introduced Items 3.1 and 3.2.

Mark Erickson, Senior Maritime Projects Administrator gave the Report on Item 3.2.

A Motion to approve Item 3.2 was made by Commissioner Uno, and seconded by Vice-President Hamlin.

- 3.2 **Ordinance 4310:** Amend and Extend Two Leases Between the City of Oakland and the Port for Parcels of Land at the Former Oakland Army Base through December 31, 2019 **(Maritime)**

The Motion to approve Item 3.2 passed by the following vote: (7) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee.

Item 3.3 was pulled on the recommendation of staff.

- 3.3 ~~**PULLED Resolution:** Rail Terminal Operating Agreement with Oakland Global Rail Enterprise at the Former Oakland Army Base.~~

4. BUDGET & FINANCE

Chief Financial Officer, Sara Lee, introduced Item 4.1.

A Motion to approve Item 4.1 was made by Commissioner Uno, and seconded by Commissioner Parker.

- 4.1 **Resolution 14-136:** Authorization to Extend Macias Gini & O’Connell LLP Existing Contract for Professional Accounting and Auditing Services for One (1) Year

The Motion to approve Item 4.1 passed by the following vote: (7) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee.

5. STRATEGY & POLICY

The Director of the Social Responsibility Division, Amy Tharpe, introduced Item **5.1**.

*A Motion to approve Item 5.1 was made by Commissioner **Head**, and seconded by Vice-President **Hamlin**.*

- 5.1 Resolution 14-137:** Adoption of the Airport Concession Disadvantaged Business Enterprise Overall Three-Year Goal and Methodology Report for Federal Fiscal Years 2015-2017 for Non-Car Rental Concessions, to the Federal Aviation Administration, United States Department of Transportation (**SRD**)

*The Motion to approve Item 5.1 passed by the following vote: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**.*

6. REMAINING ACTION ITEMS

Maritime Security Project Administrator, Eric Napralla, Introduced Item **6.1**.

*A Motion to approve Item 6.1 was made by Commissioner **Colbruno**, and seconded by Vice-President **Butner**.*

- 6.1 Resolution 14-138 & 14-139:** Acceptance of FY14 Department of Home land Security/Federal Emergency Management Agency Port Security Grant Program Funding and Authorization for the Executive Director to Implement the Approved Security Projects (**Maritime**)

*The Motion to approve Item 6.1 passed by the following vote: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**.*

Port Environmental Compliance Supervisor, Jeff Jones, introduced Item **6.2**.

*A Motion to approve Item 6.2 was made by Commissioner **Uno**, and seconded by Vice-President **Hamlin**.*

- 6.2 Ordinance 4311:** An Ordinance Adopting and Rules and Regulations to Meet the Requirements of the Municipal General Permit for the Prevention of Pollution in Urban Runoff (**Environmental**)

*The Motion to approve Item 6.2 passed by the following vote: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**.*

The Director of Aviation, Deborah Ale Flint, introduced Items **6.3**

*A Motion to approve Item 6.3 was made by Commissioner **Colbruno**, and seconded by Vice-President **Butner**.*

- 6.3 Resolution 14-140:** Budget Approval and Other Authorizations to Perform the Air Cargo AOA Security Fencing Project at the M 106/M 112 Buildings, South Field, OAK (Aviation)

*The Motion to approve Item 6.3 passed by the following vote: (7) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**.*

*Vice-President **Butner** recused himself on Item 6.4. due to potential financial interests. He did not take part in the discussion or decision on the Item and was not in the room when it was discussed.*

The Director of Aviation, Deborah Ale Flint, introduced Items **6.4**, **6.5** and **6.6**.

*A Motion to approve Items 6.4, 6.5 and 6.6 was made by Vice-President Hamlin, and seconded by Commissioner **Parker**.*

- 6.4 Ordinance 4312:** Adoption of a ~~Resolution~~ Ordinance to Approve Amendment No. 1 to the Space/Use Permit with Host International, Inc. to Remove Certain Premises from the Assigned Space, and to Incorporate the Provisions of the Triparte Settlement Agreement, as Approved by Resolution No. 14-84 (Aviation)
- 6.5 Ordinance 4313:** First Reading of an Ordinance Approving a Space/Use Permit for Non-exclusive Retail and Duty Free Concession Privileges with World Duty Free Group North America, and Delegation of Authority to the Executive Director to Approve Modifications to Midterm Refurbishment Requirement. (Aviation)
- 6.6 Ordinance 4314:** Adoption of a ~~Resolution~~ Ordinance to Approve Amendments to the Space/Use Permits of Andale Management Group, Inc.; Gotham Foods Two LLC; Silver Dragon Café LLC; Taste, Inc.; and, Youth Employment Partnership, to Modify Certain Economic Terms, including Space Rental Rates and Premises for Concession Storage Space. (Aviation)

*The Motion to approve Items 6.4, 6.5 and 6.6 passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, Commissioner **Uno**, 2nd Vice-President **Hamlin**, and President **Yee**; (1) Recused: 1st Vice President **Butner**.*

The Director of Aviation, Deborah Ale Flint, introduced Item **6.7**.

*A Motion to approve Items 6.7 was made by Commissioner **Colbruno**, and seconded by Vice-President **Butner**.*

- 6.7 Resolution 14-141:** Authorization to Execute a Second Supplemental Agreement with ABC Security Services, Inc. to Extend Airport Contract Security Guard Services Agreement (Aviation)

The Motion to approve Item 6.7 passed by the following vote: (7) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee.

The Chief Financial Officer, Sara Lee, introduced item 6.8.

A Motion to approve Items 6.8 was made by Vice-President Hamlin, and seconded by Commissioner Uno.

- 6.8 Resolution 14-142:** Authorization to Establish for Fiscal Year 2014-15 Contract Purchase Agreements with Selected Suppliers that are Anticipated to Exceed \$50,000 in Aggregate Purchases, and Related Actions (**Finance & Admin**)

The Motion to approve Item 6.8 passed by the following vote: (7) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee.

7. UPDATES/ANNOUNCEMENTS

Maritime Director, John Driscoll, introduced a new member of the Maritime Staff, Beth Frisher, Maritime Business development Manager. Ms. Frisher addressed the Board.

8. SCHEDULING

John Betterton, Secretary of the Board, introduced Item 8.1.

A Motion to approve Items 8.1 was made by Vice-President Hamlin, and seconded by Commissioner Parker.

- 8.1 Resolution 14-143:** Resolution Adopting A Schedule For Regular Meetings Of The Board Of Port Commissioners For The Calendar Year 2015 (**Board**)

The Motion to approve Item 8.1 passed by the following vote: (7) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee.

OPEN FORUM

There were no speakers in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 5:01 p.m.

John Betterton, Secretary
Board of Port Commissioners

Date

J. CHRISTOPHER LYTLE
Executive Director

DANNY WAN
Port Attorney

ARNEL ATIENZA
Port Auditor

JOHN T. BETTERTON
Secretary of the Board

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First Vice-President

EARL HAMLIN
Second Vice-President

MICHAEL COLBRUNO
Commissioner

JAMES W. HEAD
Commissioner

BRYAN R. PARKER
Commissioner

VICTOR UNO
Commissioner

MINUTES

Regular Meeting of the Board of Port Commissioners
December 11, 2014 – 1:00 p.m.
Board Room – 2nd Floor

ROLL CALL

President Yee called the Regular Meeting of the Board for December 11, 2014 to order at the hour of 1:04 p.m. and the following Commissioners were in attendance:

Commissioner Colbruno, Commissioner Head, Commissioner Parker, Commissioner Uno, 2nd Vice-President Hamlin, and President Yee.

1st Vice President Butner arrived at the meeting at 1:28.

1. CLOSED SESSION

President Yee convened the Board in Closed Session at the hour of 1:07 p.m. to hear the following Closed Session Items:

1.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Pursuant to California Government Code Section 54956.8)

Property: Oakland Army Base
Negotiating Parties: Prologis, LP; CCIG Oakland Global, LLC; Oakland Global Rail Enterprises, LLC and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime
Under Negotiation: Price and Terms of Tenancy

Property: Berths 25-26 (Port of Oakland)
Negotiating Parties: Ports America Outer Harbor Terminal, LLC and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime
Under Negotiation: Price and Terms of Tenancy

Property: 555 Maritime Street, Oakland (Approximately 38 acres of

land currently occupied by Shippers Transport Express that is adjacent to the Port-owned rail terminal operated by Burlington Northern Santa Fe in the Port's Maritime area).

Negotiating Parties: Lineage Logistics and Port of Oakland
Agency Negotiator: John Driscoll, Director of Maritime
Under Negotiation: Price and Terms of Tenancy

1.2 THREAT TO PUBLIC SERVICES OR FACILITIES – (Pursuant to California Government Code Section 54957)

Consultation with: Eric Napralla
Acting Port Facilities Security Officer

*Commissioner **Head** left the Closed Session at 4:00 pm.*

1.3 CONFERENCE WITH LABOR NEGOTIATORS – (Pursuant to California Government Code Section 54957.6).

Employee Organizations: International Federation of Professional and Technical Engineers, Local 21 (IFPTE-Local 21); Services Employees International Union, Local 1021 (SEIU-Local 1021); Western Council of Engineers (WCE); and International Brotherhood of Electrical Workers, Local 1245 (IBEW-Local 1245)

Unrepresented Employees: Unit H and M

ROLL CALL/OPEN SESSION

*President **Yee** reconvened the Open Session of the Regular Meeting of the Board at 4:11 p.m. and the following Commissioners were in attendance:*

*Commissioner **Colbruno**, Commissioner **Parker**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**.*

*Commissioner **Uno** was excused from the meeting at 4:11 pm.*

*Commissioner **Head** had not returned to the meeting when the roll was called.*

CLOSED SESSION REPORT

Port Attorney, Danny Wan, reported that the Board had taken no final actions in Closed Session.

2. CONSENT ITEMS

The Assistant Board Secretary introduced the Consent Items.

A Motion to approve the Consent Items (2.1 through 2.6) was made by Commissioner

Colbruno and seconded by Vice-President Hamlin.

- 2.1 **Resolution 14-144 & Ordinance 4315:** Authorization to 1) Execute an Easement Relocation Agreement and 2) Conveyance of a Permanent Easement for the Relocation of the U.S. Navy's Overhead Electrical Lines to a Joint Utility Trench as Part of the Redevelopment of the Former Oakland Army Base **(Engineering/Maritime)**
- 2.2 **Ordinance 4316:** Extension of Month-to-Month Space Assignment Agreements That Have Been in Effect for More than One Year as of December 11, 2014 **(Maritime)**
- 2.3 **Resolution 14-15:** Building Permit: Installation of New Gate Information Displays Monitors (GIDS), and new Electronic Backboard Displays (EBDS) at the Southwest gates in Terminal 2; 1 Airport Drive, Terminal 2 (M130) **(Engineering)**
- 2.4 **Resolution 14-146:** Authorization to Execute an Other Transaction Agreement (OTA) with the Transportation Security Administration (TSA) for the National Explosives Detection Canine Team Program (NEDCTP) **(Aviation)**
- 2.5 **Ordinance 4310:** 2nd Reading of An Ordinance Authorizing The Executive Director To Amend And Extend Two Leases Between The City Of Oakland And The Port For Parcels Of Land (By Berths 9 And Buildings 88/99 And 804) At The Former Oakland Army Base Through December 31, 2019.
- 2.6 **Ordinance 4311:** 2nd Reading of An Ordinance Approving And Adopting Rules And Regulations To Meet The Requirements Of The General Permit For Waste Discharge Requirements ("WDRS") For Storm Water Discharges From Small Municipal Separate Storm Sewer Systems.

The Motion to approve the Consent Items (2.1 through 2.6) passed by the following votes: (5) Ayes: Commissioner Colbruno, Commissioner Parker, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee; (2) Excused: Commissioner Head and Commissioner Uno.

A Motion to approve the Consent Items (2.7 through 2.8) was made by Commissioner Colbruno and seconded by Vice-President Hamlin.

Vice-President Butner recused himself on Consent Items 2.7 through 2.9 due to potential financial interests. He did not take part in the discussion or decision on the Items.

- 2.7 **Ordinance 4312:** 2nd Reading of An Ordinance Approving The Terms And Conditions Of A First Amendment To The Space/Use Permit With Host International, Inc. To Remove Certain Premises From The Assigned Space, And To Incorporate The Provisions Of The Settlement Agreement As Approved By Resolution 14-84.
- 2.8 **Ordinance 4313:** 2nd Reading of An Ordinance Approving The Terms And Conditions Of A Space/Use Permit For Non-Exclusive Retail And Duty Free Concession Privileges For World Duty Free Group North America.

- 2.9 **Ordinance 4314:** 2nd Reading of An Ordinance Approving Amendments To Space/Use Permits With Andale Management Group, Inc., Gotham Foods Two LLC, Silver Dragon Café LLC; Taste, Inc. And Youth Employment Partnership To Modify Certain Economic Terms.

The Motion to approve the Consent Items (2.7 through 2.9) passed by the following votes: (4) Ayes: Commissioner Colbruno, Commissioner Parker, 2nd Vice-President Hamlin, and President Yee (2) Excused: Commissioner Head and Commissioner Uno; (1) Recused: 1st Vice President Butner.

- 2.10 **Report:** Quarterly Report of Construction Change Orders for 1st Quarter FY 14/15 (Engineering)

3. MAJOR PROJECTS

There were no Major Projects to discuss.

4. BUDGET & FINANCE

The Chief Financial Officer, Sara Lee, introduced item 4.1.

- 4.1 **Report:** Unaudited Financials for 3 months ended September 30, 2014 including Capital Expenditure Report

5. STRATEGY & POLICY

Commissioner Head rejoined the meeting at 4:37 pm.

Port Attorney, Danny Wan, presented Item 5.1.

A Motion to approve Items 5.1 was made by Vice-President Butner, and seconded by Commissioner Parker.

- 5.1 **Ordinance 4317:** Ordinance Amending By-Laws and Administrative Rules of the Board of Port Commissioners and Repealing Ordinance No. 4164 (Legal)

The Motion to approve Item 5.1 passed by the following votes: (6) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Parker, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee; (1) Excused: and Commissioner Uno.

The Manager of Governmental Affairs, Matt Davis, presented the Report on Item 5.2.

- 5.2 **Report:** Update on Port Priority Projects for Funding Consideration by the Alameda County Transportation Commission, as Authorized by the Passage of Alameda County Measure BB (Government Affairs)

The Chief Financial Officer, Sara Lee, introduced item 6.3.

- 5.3 **Report:** Review Proposed Provisions of a New Purchasing Ordinance to Replace Existing Port Ordinance 1606 (**Finance & Admin**)

6. REMAINING ACTION ITEMS

Maritime Director, John Driscoll, introduced Items **6.1** and **6.2**.

*A Motion to approve Items **6.1** was made by Commissioner **Head**, and seconded by Vice-President **Butner**.*

- 6.1 **Ordinance 4318:** Authorization to Amend Ben E. Nutter Terminal Lease Agreement to Accurately Reflect Premises and Billing Practices (**Maritime**)

*The Motion to approve Item **6.1** passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**; (1) Excused: and Commissioner **Uno**.*

*A Motion to approve Items **6.2** was made by Commissioner **Colbruno**, and seconded by Vice-President **Hamlin**.*

- 6.2 **Resolution 14-147:** Re-Program Port Security Grant Round 13 Funding to Staff a Port Security Management System (**Maritime**)

*The Motion to approve Item **6.2** passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**; (1) Excused: and Commissioner **Uno**.*

The Director of Aviation, Deborah Ale Flint, introduced Item **6.3**.

*A Motion to approve Items **6.3** was made by Commissioner **Head**, and seconded by Commissioner **Parker**.*

- 6.3 **Resolution 14-148:** Approval of Budget and Authorization for the Executive Director to Implement 12 New Common Use Self Service Kiosks and Provide 5 Years of 2nd Level Support and Software Upgrades at Oakland International Airport (**Aviation**)

*The Motion to approve Item **6.3** passed by the following votes: (6) Ayes: Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**; (1) Excused: and Commissioner **Uno**.*

The Director of Commercial Real Estate, Pamela Kershaw, introduced Items **6.4** and **6.5**.

*A Motion to approve Items **6.4** was made by Commissioner **Parker**, and seconded by Vice-President **Hamlin**.*

- 6.4 **Ordinance 4319:** Approval of a License and Concession Agreement with Norcal Rental Group, LLC for a 62 Month Term for the Premises Located at 295 Hegenberger Way (**CRE**)

The Motion to approve Item 6.4 passed by the following votes: (6) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Parker, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee; (1) Excused: and Commissioner Uno.

A Motion to approve Items 6.5 was made by Commissioner Colbruno, and seconded by Vice-President Hamlin.

- 6.5 Resolution 14-149:** Approval of an Exclusive Negotiating Agreement with the Backyard LLC for Property Located at Oak Street and Embarcadero Road **(CRE)**

The Motion to approve Item 6.5 passed by the following votes: (6) Ayes: Commissioner Colbruno, Commissioner Head, Commissioner Parker, 2nd Vice-President Hamlin, 1st Vice President Butner and President Yee; (1) Excused: and Commissioner Uno.

7. UPDATES/ANNOUNCEMENTS

President Yee reported on the Christmas tree Lighting in Jack London Square.

Mike Zampa, Director of Communications, showed a short film on the Oakland Cranes.

8. SCHEDULING

The Director of Environmental Programs & Planning, Richard Sinkoff, reported on Item 8.1.

A Motion to approve Items 8.1 was made by Vice-President Butner, and seconded by Commissioner Head.

- 8.1 Resolution 14-149:** Approval for the Executive Director, or His Designee, to Conduct an Environmental Review Hearing for the Schnitzer Steel Industries, Inc. "Stormwater Improvement Project **(Environmental)**

In accordance with the "By-laws and Administrative Rules, Board of Port Commissioners (Article IX, Section 20)", environmental review on projects on privately-owned property within the Port Area is subject to a public hearing by the Executive Director. However, the Board must first authorize the Executive Director to proceed with the environmental review hearing. Schnitzer Steel, a materials recycling and processing facility, is located on privately-owned property within the Port Area. Schnitzer Steel proposes to construct a "Stormwater Improvement Project", which requires a Port development permit with an environmental determination prepared pursuant to the California Environmental Quality Act (CEQA). The Port of Oakland is the CEQA Lead Agency for this project.

Port staff requests that the Board authorize the Executive Director to notice and hold an Environmental Review Hearing to consider the Initial Study (IS) and adopt a Negative Declaration (ND) for the Schnitzer Steel Industries (Schnitzer) "Stormwater Improvement Project". The draft ND and Initial Study can be found on the Port's web site:

<http://www.portofoakland.com/environment/publications.aspx>.

*The Motion to approve Item **8.1** passed by the following votes: **(6) Ayes:** Commissioner **Colbruno**, Commissioner **Head**, Commissioner **Parker**, 2nd Vice-President **Hamlin**, 1st Vice President **Butner** and President **Yee**; **(1) Excused:** and Commissioner **Uno**.*

OPEN FORUM

Adrianna Carranza addressed the Board in Open Forum.

ADJOURNMENT

On a request by Commissioner **Parker**, a Moment of Silence was observed for Mike Brown, Violence plaguing the U.S. and Due Process.

On a request by Commissioner **Colbruno**, the Meeting was adjourned in the memory of Jack Byrd.

There being no additional business the Board adjourned at 5:45 p.m.

Daria Edgerly, Assistant Secretary
Board of Port Commissioners

Date

PUBLIC PARTICIPATION

To Speak on an Agenda Item

You may speak on any item appearing on the Agenda. Please fill out a Speaker's Card and give it to the Board Secretary **before the start of the meeting** or immediately after conclusion of Closed Session. Cards received after the start of the meeting will be treated as a single request to speak in Open Forum. All speakers will be allotted a minimum of one minute.

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John Betterton, Secretary of the Board
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Daria Edgerly, Assistant Secretary of the Board
530 Water Street, Oakland, CA 94607
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(510) 627-1337

Scented Products

Please refrain from wearing scented products to this meeting so attendees who experience chemical sensitivities may attend.

Commissioner's Statement of Intention

We are a governing Board whose authority lies with the entirety of the Board.

We govern in accordance with our fiduciary duty to the Port of Oakland.

We conduct ourselves with clarity and transparency, grounded in the principles of integrity, trust and respect.

We reach our decisions through candid, open and deliberative debate and hold both staff and ourselves accountable for implementing them.