



Thursday, May 26, 2016

Board Room – 2nd Floor

The Public Portion Of The Meeting Will Begin At 3:00 p.m.

ROLL CALL

Commissioner Butner, Commissioner Cluver, Commissioner Martinez, Commissioner Story, 2nd Vice-President Colbruno, 1st Vice President Yee and President Hamlin.

1. CLOSED SESSION (1:00 p.m.)

Closed Session discussions and materials may not be disclosed to a person not entitled to receive it, unless the Board authorizes disclosure of that confidential information.

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

Property: Berths 25-26 (Port of Oakland)

Negotiating Parties: TraPac, LLC; Outer Harbor Terminal, LLC (formerly known as Ports America Outer Harbor Terminal, LLC); HHH Oakland, Inc.; Terminal Investment Limited SA; and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Price and Terms of Payment

Property: Maritime Street, Oakland (former Oakland Army Base)

Negotiating Parties: Union Pacific Railroad, City of Oakland and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Negotiations on terms of rail facility development, operations and access

Property: Maritime Street, Oakland (Approx. 19 acres, former Oakland Army Base)

Negotiating Parties: CenterPoint Properties, and Port of Oakland

Agency Negotiator: John Driscoll, Director of Maritime

Under Negotiation: Price and Terms of Lease and Development

File ID: [142-16]

1.2 PUBLIC EMPLOYEE PERFORMANCE EVALUATION - (Pursuant to California Government Code Section 54957).

Title: Chief Audit Officer

File ID: [143-16]

OPEN SESSION/ROLL CALL

Commissioner Butner, Commissioner Cluver, Commissioner Martinez, Commissioner Story, 2nd Vice-President Colbruno, 1st Vice President Yee and President Hamlin.

CLOSED SESSION REPORT

The Port Attorney or Board Secretary will report on any final actions taken in Closed Session.

PUBLIC HEARING (3:00 p.m.)

- 1 Public Hearing:** Continuation of February 26 and May 14, 2015, Administrative Appeal Hearings - (1) Adopt the PHOs' findings of fact and determinations as set forth in the PHOs' December 18, 2014 Decision; (2) Adopt the PHOs' findings of fact and determinations as set forth in their April 12, 2016 Email; (3) Adopt the PHOs' findings of fact and determinations as set forth in their May 13, 2016 Supplemental Response; (4) Adopt the PHOs' findings of fact and determinations as set forth in their May 13, 2016 Response to the May 14, 2015 Remand; (5) Certify the Final Focused EIR; (6) Approve the five sign variances; (7) Approve the Development Permit and the revised Conditions of Approval; and, (8) Deny the appeals of Appellants' Carpenters and UNITEHERE! concerning the Proposed Hotel at 195 Hegenberger Road in the Oakland Airport Business Park, Oakland, California. **(Engineering)**

File ID: [\[99-16\]](#)

Attachments: [195 Hegenberger Road Staff Report](#)
[Appendix A PHO Report.v10](#)
[Exhibit 1 Satish Letter](#)
[Exhibit 2 ESA Nov 12 Tech Memo Post EIR Traffic Analysis](#)
[Exhibit 3 Blackwell](#)
[Exhibit 4 Dec 4 Tech Memo Employee Analysis](#)
[Exhibit 5 Decision Memo - 195 Hegenberger Road Hotel](#)
[Exhibit 6 McMorgan- Application for Appeal of Permit Decision](#)
[Exhibit 7 Ty Hudson UniteHere](#)
[Exhibit 8 Feb 26 Board Meeting](#)
[Exhibit 9 Project Applicant Meeting](#)
[Exhibit 10 Tech Memo Pardee Intersections with COA TCM 18C](#)
[Exhibit 11 Brown Sullivan 1582-001.00 195 Hegenberger P1 ESA Report \(Final\)](#)
[Exhibit 12 UNITEHERE.pdf](#)
[Exhibit 13 May 26 Board Meeting w Feb 26.pdf](#)
[Exhibit 14 2016-01-22 Letter to Port of Oakland with attachment.pdf](#)
[Exhibit 15 Sullivan and Lund Letter Response to Blackwell.pdf](#)
[Exhibit 16 Gary Oates Email 195 Hegenberger Hotel Project.pdf](#)
[Exhibit 17 Applicant Tech Memo on Remand Issue.pdf](#)
[Exhibit 18 UNITEHERE REsponse to Gary Email.pdf](#)
[Exhibit 19 ESA response to UNITEHERE email.pdf](#)
[Exhibit 20 UNITEHERE REsponse to ESA.pdf](#)
[Exhibit 21 Marriott Waiver - SHS Oakland CA 12-10-2014.pdf](#)
[Exhibit 22 Port Staff Report - 195 Hegenberger Rd Remand Meeting.pdf](#)
[Exhibit 23 Ty Hudson UNITE HERE Presentation Remand Meeting.pdf](#)
[Exhibit 28 Revised Instructions 20160208163944890.pdf](#)
[Exhibit 29 Part 1 Sullivan PortofOakland ltrto 021616 wExs1-9.pdf](#)
[Exhibit 29 Part 2 Monarch's Reply to Carpenters 021916.pdf](#)
[Exhibit 30 part 1 Appellant's Supplemental Brief.pdf](#)
[Exhibit 30 Part 2 Appellant's Reply Brief.PDF](#)
[Exhibit 31 PHO Determination Vehicular Ingress and Egress to the Hotel Parcel](#)
[Exhibit 32 4-15-16 Appellant Response to Opinion re 195 Hegenberger Road.pr](#)
[Exhibit 33 PHO Supplemental Response re Easement.pdf](#)
[Exhibits 24 to 27 195 Hegenberger PHO Exhibits 1 to 4.pdf](#)
[Appendix B Final COA Draft.PKedits.5.12.16 JM.pdf](#)
[Appendix C Proposed Truck Loading and Entrance Location.pdf](#)
[Appendix D Blackweel Letter to Port Commissioners re 195 Hegenberger.pdf](#)
[Appendix E Monarch Ltr to Port 5-12-2016.pdf](#)

2. CONSENT ITEMS

Action by the Board under "Consent Items" means that all matters listed below have been summarized and will be adopted by one motion and appropriate vote. Consent Items may be removed for further discussion by the Board at the request of any member of the Board.

- 2.1 Resolution:** Approval to Increase the Executive Director's Contract Authority with Wood Rodgers, Inc. to Provide Two-Dimensional Floodplain Modeling of Oakland Airport and Appeal of 4/16/15 Preliminary Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panels at the Oakland International Airport. **(Engineering)**

File ID: [\[133-16\]](#)

Attachments: [Agenda Report](#)

- 2.2 Ordinance 4376,** 2nd Reading Of An Ordinance Approving First Amendment To Space/Use Permit With Clean Energy Fuels Corporation To Provide Compressed Natural Gas At Oakland International Airport.

File ID: [\[141-16\]](#)

Attachments: [Ordinance 4376](#)

3. MAJOR PROJECTS

This segment of the meeting is reserved for action and discussions regarding the status of Major Projects and issues of special importance.

4. BUDGET & FINANCE

This segment of the meeting is reserved for action or discussion regarding the status of Budget and Finance issues.

- 4.1 Report:** Unaudited Financials for 9 months ended March 31, 2016 including Capital Expenditure Report. **(Finance & Admin)**

File ID: [\[623-15\]](#)

Attachments: [Report](#)

5. STRATEGY & POLICY

This segment of the meeting is reserved for action or discussion on Strategy and Policy Issues.

- 5.1 Report:** Status of Non-Aviation Port Emergency Preparedness Activities (Executive Office)

File ID: [\[135-16\]](#)

Attachments: [Report](#)

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.

- 6.1 Resolution:** Budget Approval and Other Related Authorizations for the Berth 55 Mooring Dolphin Project (**Maritime**)

File ID: [\[123-16\]](#)

Attachments: [Agenda Report](#)

[Exhibit A](#)

[Exhibit B](#)

- 6.2 Ordinance:** A 3% Increase to the Space Assignment Rates in Section X-B of Port of Oakland Tariff 2-A, effective July 1, 2016 (**Maritime**)

File ID: [\[128-16\]](#)

Attachments: [Agenda Report](#)

7. UPDATES/ANNOUNCEMENTS

The President, Members of the Board and the Executive Director will report on noteworthy events occurring since the last Board Meeting.

8. SCHEDULING

This segment of the meeting is reserved for scheduling items for future Agendas and/or scheduling Special Meetings

OPEN FORUM

The Board will receive public comment on non-agenda items during this time. Please fill out a speaker card and present it to the Secretary of the Board.

ADJOURNMENT

The next Regular Meeting of the Board will be held on June 9, 2016.

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.

To Receive Agendas & Related Materials

Should you have questions or concerns regarding this Agenda, or wish to review any of the Agenda Related Materials, please contact the Board Secretary, John Betterton, at: (510) 627-1696, or visit our web page at: www.portoakland.com
<<http://www.portoakland.com>>

To receive Port Agendas and Agenda Related Materials by email, please email your request to: jbetterton@portoakland.com

Disability Related Modifications

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, may submit a written request, electronic request, or telephone request [via the California Relay Service (telephone) for the hearing impaired at (800) 735-2922], to the Secretary of the Board **no later than five working days** prior to the scheduled meeting date.

John Betterton, Secretary of the Board
530 Water Street, Oakland, CA 94607
jbetterton@portoakland.com
(510) 627-1696

Language & Interpretive Services

As a grantee of federal aid grant funds from the US Department of Transportation, the Port is responsible for ensuring equal access to its programs, services, and benefits. To request bilingual interpreters or materials in alternate formats, please contact the Assistant Secretary of the Board no later than five working days prior to the scheduled meeting date.

Daria Edgerly, Assistant Secretary of the Board
530 Water Street, Oakland, CA 94607
dedgerly@portoakland.com
(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.