

**OMAR BENJAMIN**  
Executive Director

**DAVID L. ALEXANDER**  
Port Attorney

**ARNEL ATIENZA**  
Port Auditor

**JOHN T. BETTERTON**  
Secretary of the Board

**PORT OF OAKLAND**  
**BOARD OF PORT COMMISSIONERS**  
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**VICTOR UNO**  
President

**JAMES W. HEAD**  
First Vice-President

**MARGARET GORDON**  
Second Vice-President

**PAMELA CALLOWAY**  
Commissioner

**GILDA GONZALES**  
Commissioner

**KENNETH KATZOFF**  
Commissioner

**MICHAEL LIGHTY**  
Commissioner

## AGENDA

### Special Meeting of the Board of Port Commissioners

Tuesday June 29, 2010 – 1:00 p. m.

Board Room – 2<sup>nd</sup> Floor

#### ROLL CALL

Commissioner **Calloway**, Commissioner, **Gonzales**, 2<sup>nd</sup> Vice-President **Gordon**, 1<sup>st</sup> Vice President **Head**, Commissioner **Katzoff**, Commissioner **Lighty**, and President **Uno**.

#### CLOSED SESSION (1:00 – 4:00 p.m. approximately)

1. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.** Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 1 matter(s)
2. **EMPLOYEE PERFORMANCE EVALUATIONS**

**Titles:** Executive Director, Port Attorney, Board Secretary & Port Auditor.

#### ROLL CALL (4:00 p.m. approximately)

Commissioner **Calloway**, Commissioner, **Gonzales**, 2<sup>nd</sup> Vice-President **Gordon**, 1<sup>st</sup> Vice-President **Head**, Commissioner **Katzoff**, Commissioner **Lighty**, and President **Uno**.

#### CLOSED SESSION REPORT

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

## **PRESIDENT'S REPORT**

*The President will report on noteworthy events occurring since the last Board Meeting.*

## **EXECUTIVE DIRECTOR'S REPORT**

*The Executive Director will report on noteworthy events occurring since the last Board Meeting.*

## **SUMMARY ITEMS**

*Action by the Board under "Summary Items" means that all matters listed below have been summarized, and are considered to be perfunctory in nature, and will be adopted by one motion and appropriate vote. Summary Items may be removed from the summary for discussion at the pleasure of the Board.*

### **ORDINANCES FOR SECOND AND FINAL READING**

- S-1**     **Ordinance No. 4127** AN ORDINANCE APPROVING AND ADOPTING RULES FOR PUBLIC PARTICIPATION AT MEETINGS OF THE BOARD OF PORT COMMISSIONERS AND STANDING COMMITTEES.
- S-2**     **Ordinance No. 4128** AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A MULTI-YEAR RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH ALASKA AIRLINES, INC. TO ENTER UPON PREMISES IN AND ABOUT HANGAR 6 AT THE OAKLAND INTERNATIONAL AIRPORT TO CONDUCT REMEDIATION, PERFORM LONG-TERM GROUNDWATER MONITORING AND RELATED ACTIVITIES.

## **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 July 6, 2010 at 2:00 p.m. in the Board Room.*

## **PUBLIC PARTICIPATION**

### **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](mailto: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 Director of Social Responsibility **no later than five working days** prior to the scheduled meeting date.

Diann Castleberry, Director of Social Responsibility  
530 Water Street, Oakland, CA 94607  
[dcastleberry@portoakland.com](mailto:dcastleberry@portoakland.com)  
(510) 627-1302

### **Scented Products**

Please refrain from wearing scented products to this meeting so attendees who experience chemical sensitivities may attend.

### **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.

### **Agenda & 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.portofoakland.com](http://www.portofoakland.com)

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

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**PORT ORDINANCE NO. 4127**

**AN ORDINANCE APPROVING AND ADOPTING RULES  
FOR PUBLIC PARTICIPATION AT MEETINGS OF THE  
BOARD OF PORT COMMISSIONERS AND STANDING  
COMMITTEES.**

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**WHEREAS** the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Item O-2 ("Agenda Report") dated June 22, 2010 and related agenda materials, including the Rules and the Annotated Rules attached thereto, has received the expert testimony of Port staff, and has provided opportunities for public comment before, during and after its noticed Administration Committee public meeting of May 25, 2010 and its Board meeting of June 22, 2010;

**WHEREAS** the Port of Oakland is a specialized public agency with specific enterprise functions and its Board and Committee meetings are open to the public; the Port does not currently have any formally adopted policies or procedures regulating public participation in such meetings; and the lack of clarity and certainty regarding public participation has led to confusion and inefficiencies in transacting the business of the Port;

**WHEREAS** adoption of the formal RULES FOR PUBLIC PARTICIPATION AT MEETINGS OF THE BOARD OF PORT COMMISSIONERS AND STANDING COMMITTEES attached to the Agenda Report will establish an appropriate level of safety, decorum, and efficiency in the Board Room for Port stakeholders and other members of the public attending and/or addressing the Board or its Standing Committees; the ability of all interested persons properly attending public meetings to safely, civilly, and efficiently participate in the affairs of the Port and to view the Board Commissioners in the performance of their duties is of paramount importance to the Board; and the Board has a compelling interest in the efficient transaction of business at the Port free from delay, distraction, and disruption by members of the public; and,

**THEREFORE BE IT ORDAINED** that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received;

**BE IT FURTHER ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

1. The Board hereby approves and adopts the Rules for Public Participation at Meetings of the Board of Port Commissioners and Standing Committees, as set forth in the Agenda Report;

2. The Board adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report, in the Rules, in the Annotated Rules, and in other related agenda materials and in testimony received in so doing;

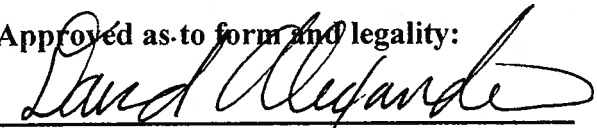
3. If any section, subsection, sentence, clause, or phrase of the Rules, or the application thereof to any person or circumstance, is for any reason held to be invalid the remainder of the Rules and the application of such Rules to other persons or circumstances shall not be affected thereby.

The Board of Port Commissioners, Oakland, California, June 22, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Gonzales, Gordon, Head, Lighty, and President Uno - 5. Excused: Commissioners Calloway & Katzoff - 2. Noes: 0.

John T. Betterton  
Secretary of the Board

\_\_\_\_\_  
**President.**

**Attest:** \_\_\_\_\_  
**Secretary.**

Approved as to form and legality:  
  
\_\_\_\_\_  
**Port Attorney**

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**PORT ORDINANCE NO. 4128**

**AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A MULTI-YEAR RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH ALASKA AIRLINES, INC. TO ENTER UPON PREMISES IN AND ABOUT HANGAR 6 AT THE OAKLAND INTERNATIONAL AIRPORT TO CONDUCT REMEDIATION, PERFORM LONG-TERM GROUNDWATER MONITORING AND RELATED ACTIVITIES.**

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**BE IT ORDAINED** by the Board of Port Commissioners ("Board") of the City of Oakland as follows:

**Section 1.** The Board hereby approves a Right-of-Entry and Indemnity Agreement ("Agreement") with Alaska Airlines, Inc., to enter upon premises in and about Hangar 6 at the Oakland International Airport to conduct remediation, perform long-term groundwater monitoring, and conduct related activities effective upon the effective date of this Ordinance and after execution of said Agreement on behalf of the parties through June 30, 2012, and otherwise upon such standard terms and conditions as specified in the Agreement and approved by the Executive Director.

**Section 2.** The Executive Director is hereby authorized to execute and the Secretary to attest said Agreement.

**Section 3.** This ordinance is not evidence of and does not create or constitute (a) a contract, Lease or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. This ordinance approves and authorizes the execution of said Agreement in accordance with the terms of this ordinance. Unless and until a separate written Agreement is duly executed on behalf of the Board as authorized by this ordinance, is signed as approved as to form and legality by the Port Attorney, and is delivered to User, there shall be no valid or effective Agreement.

**Section 4.** Pursuant to the California Environmental Quality Act ("CEQA") and the Port's CEQA Guidelines, the Port has complied with State Clearinghouse review requirement for draft environmental documents.

**Section 5.** The approval described herein and made hereby complies with the Board's CEQA approvals for the project, and the Board finds that there is no substantial evidence before the Board warranting either revised CEQA project documents, or an environmental impact report.

The Board of Port Commissioners, Oakland, California, June 22, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Gonzales, Gordon, Head, Lighty, and President Uno - 5. Excused: Commissioners Calloway & Katzoff - 2. Noes: 0.

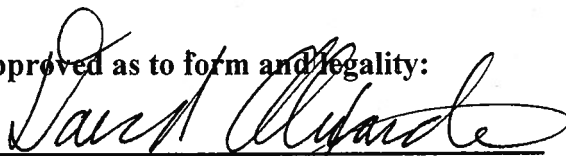
John T. Betterton  
Secretary of the Board

\_\_\_\_\_  
**President.**

Attest: \_\_\_\_\_

**Secretary.**

Approved as to form and legality:

  
\_\_\_\_\_  
Port Attorney