

OMAR BENJAMIN
Executive Director

DOUGLAS WARING
Deputy Executive Director

JOE WONG
Deputy Executive Director

DAVID L. ALEXANDER
Port Attorney

JOHN T. BETTERTON
Secretary of the Board

PORT OF OAKLAND
BOARD OF PORT COMMISSIONERS
530 Water Street • Oakland, California 94607

Telephone: (510) 627-1100
Facsimile: (510) 451-5914
TDD/TTY – Dial 711

E-Mail: board@portoakland.com
Website: www.portofoakland.com

VICTOR UNO
President

MARK McCLURE
First Vice-President

MARGARET GORDON
Second Vice-President

ANTHONY A. BATARSE, JR
Commissioner

PAMELA CALLOWAY
Commissioner

JAMES W. HEAD
Commissioner

KENNETH KATZOFF
Commissioner

MINUTES

Regular Meeting of the Board of Port Commissioners Tuesday, April 7, 2009 - 3:00 p.m.

ROLL CALL

President **Uno** called the Meeting to order at 3:12 p.m., and the following Commissioners were in attendance:

Commissioner **Batarse**, Commissioner **Calloway**, Vice-President **Gordon**, Commissioner **Head**, Vice-President **McClure**, and President **Uno**.

Commissioner **Katzoff** was excused.

CLOSED SESSION

President **Uno** convened the Board in Closed Session at the hour of 3:13 p.m. to hear the following two Items:

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.** Pursuant to subdivision (a) of Section 54956.9.

Harjit Bhambra and Lakhbir Bhambra v. Port of Oakland, et al.
United States District Court, Northern District of California, Case No. C08-05326 CRB

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

OPEN SESSION

President **Uno** called the Meeting back to order at 4:47 p.m., and the following Commissioners were in attendance:

Commissioner **Batarse**, Commissioner **Calloway**, Vice-President **Gordon**, Commissioner **Head**, Vice-President **McClure**, and President **Uno**.

Commissioner **Katzoff** was excused.

CLOSED SESSION REPORT

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

BOARD PRESIDENT'S & EXECUTIVE DIRECTOR'S REPORTS

Sanjiv Handa addressed the board on the President's and executive Director's Reports.

AVIATION

Commissioner **Head** gave an account of the March 23rd Aviation Committee. He reported that the Committee had approved for forwarding to the full Board Items A-1 through A-3.

*A Motion to approve Items A-1 through A-3 was made by Commissioner **Head** and seconded by Commissioner **Calloway**.*

- A-1** **Port Ordinance No. 4096** Amendment To Ordinance 2613, As Amended, For Airport Public Parking Rate Modifications To Include Targeted Promotional Rate Discounts Within Specified Parameters.
- A-2** **Resolution No. 09037** Approval Of A Resolution Authorizing Execution Of A First Supplement Amending The Cost Of Services Specified In The Professional Services Agreement With Ensminger Consulting For The Property Management Of The Oakland Maintenance Center (1100 Airport Drive, South Airport).
- A-3** **Port Ordinance No. 4097** Purchase Of Property From The City Of Alameda For Oakland International Airport (OIA) To Facilitate Improvement Of Runway Safety Area At Runway 9R.
- A-4** Informational Report On Award Of Contract For Removal Of Rubber Deposits And Painted Ground Markings From Airport Pavements For The Period Commencing January 1, 2009 And Ending June 30, 2010, 2011, 2012, 2013, Or 2014, In Estimated Annual Amount Of \$150,000.

*The Motion to approve Items A-1 through A-3 passed by the following votes: (6) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Vice-President **Gordon**, Commissioner **Head**, Vice-President **McClure** and President **Uno**; (1) Excused: Commissioner **Katzoff**.*

MARITIME

Vice-President **Gordon** gave an account of the March 19th Maritime Committee. She reported that the Committee had approved for forwarding to the full Board Items M-1 through M-8.

*A Motion to approve Items M-3 through M-8 was made by Vice-President **Gordon** and seconded by Commissioner **Head**.*

- M-3** **Resolution No. 09040** Approval To Waive Formal Request-For-Proposal Process For The Purchase And Installation Of Diesel Particulate Filters (DPFs) On Ten (10) Port Vehicles As An “Early Action” Emissions Reduction Measure For An Approximate Cost Of \$154,052.50.
- M-4** **Port Ordinance No. 4098** Authorize The Director Of Maritime To Extend The Term Of Space Assignments On Former Oakland Army Base Property To January 31, 2011.
- M-5** **Resolution No. 09041** Authorization To Adjust The Commencement Date Of The Six-Month Term Exclusive Negotiating Agreement With Teichert Materials, Previously Approved By The Board In Resolution 08229, To Be Executed On Or Before July 1, 2009.
- M-6** **Resolution No. 09042** Authorizing And Approving A Further Amendment To The Howard Terminal Amended And Restated Non-Exclusive Preferential Assignment Agreement From SSA Terminals, LLC To Allow For An Assignment To Matson Navigation Company, Inc., A Hawaiian Corporation, Or A Wholly-Owned Subsidiary Thereof.
- M-7** **Resolution No. 09043** Approval to Dispense with Standard Bidding Procedures for Repair of the Berth 22 Wharf Deck, Outer Harbor, in an Amount Disclosed to the Board of Port Commissioners.
- M-8** **Resolution No. 09044** Approval To Dispense With Standard Bidding Procedures For The Procurement Of Replacement Fender Panels At Berths 55/56, Inner Harbor, In An Amount Disclosed To The Board Of Port Commissioners.

*The Motion to approve Items M-3 through M-8 passed by the following votes: (6) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Vice-President **Gordon**, Commissioner **Head**, Vice-President **McClure** and President **Uno**; (1) Excused: Commissioner **Katzoff**.*

*A Motion to approve Items M-1 and M-2 was made by Vice-President **Gordon** and seconded by Vice-President **McClure**.*

Richard Sinkoff, Director of Environmental Programs & Planning Environmental Programs and Planning gave a presentation on Items M-1 and M-2,

Jack Broadbent, Executive Director of the Bay Area Air Quality Management District addressed the Board on Items M-1 and M-2.

M-1 Resolution No. 09038 Approval of the Maritime Air Quality Improvement Plan (MAQIP) and MAQIP Supplement No. 1.

M-2 Resolution No. 09039 Authorization To Proceed With The Use Of \$2 Million Of Port Funds To Retrofit Drayage Trucks And To Use Of Up To \$3 Million Of Port Funds As Matching Funds For Additional Drayage Truck Retrofits And To Amend The Agreement With The Bay Area Air Quality Management District (BAAQMD) To Reflect Such Changes As Necessary.

The following people addressed the Board on Items M-1 and M-2: Aditi Vaidya, Chuck Mack, Swati Prakash, Andy Katz, John Brauer, Elizabeth Henry, Todd Lndrum, Norma Nunez, Randall Bustamente, Pastor Eric Gabourel, Reverend Kurt Kuhwald, Lorenzo Fernandez, Manuel Rivas, Brian Beveridge, Ray Kidd, Christine Cordero, Tom Ward, Robert Rodriguez, John Baudendistel, Amy Zimpfer, Sandra Witt, Brad Edgar, Dion Cracraft, Gloria Stockmeyer, Don Roconi, Mary Anne Pienta, Bill Abudi, Rupinder Singh, Ron Cancellia, Craig Dry, Rasy Tauch, Heng Hy, Dexter Vizian, Kamal Boushehri, Randhir Singh, Ellen Johnk and Bob Garcia.

Commissioner Head offered a friendly Amendment to separate the issue of fees referenced in the Supplement to the Maritime Air Quality Improvement Plan, Port Funding Sources 10.6.2. The makers of the Motion accepted the amendment.

*The Motion to approve Item M-1 passed by the following votes: (5) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Commissioner **Head**, Vice-President **McClure** and President **Uno**; (1) No: Vice-President **Gordon**; (1) Excused: Commissioner **Katzoff**.*

*The Motion to approve Item M-2 passed by the following votes: (6) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Vice-President **Gordon**, Commissioner **Head**, Vice-President **McClure** and President **Uno**; (1) Excused: Commissioner **Katzoff**.*

BREAK

President **Uno** announced that he would have to leave the meeting before its conclusion, and called for a brief recess at 7:16 pm.

President **McClure** called the Meeting to back to order at 7:30 p.m., and the following Commissioners were in attendance:

Commissioner **Batarse**, Commissioner **Calloway**, Vice-President **Gordon**, Commissioner **Head**, and President **McClure**

President **Uno** and Commissioner **Katzoff** were excused.

OPERATIONS

Executive Committee

Vice-President **McClure** gave an account of the March 17th Executive Committee Meeting.

City/Port Liaison Committee

Vice-President **Gordon** gave an account of the April 2nd City/Port Liaison Committee Meeting.

Administration Committee

Commissioner **Batarse** gave an account of the March 24th Administration Committee Meeting. He reported that the Committee had approved for forwarding to the full Board Items O-1 through O-4.

*A Motion to approve Items O-1, O-2, O-3, O-4, O-6 and O-7 was made by Commissioner **Batarse** and seconded by Commissioner **Calloway**.*

- O-1 Resolution No. 09045** Extension Of The Eligible List For Administrative Analyst II From May 16, 2009 Through May 16, 2010. (\$0).
- O-2 Resolution No. 09046** Extension Of The Eligible List For Office Specialist II From June 25, 2009 Through June 25, 2010. (\$0).
- O-3 Resolution No. 09047** Extension Of The Eligible List For Senior Engineering Assistant From May 27, 2009 Through May 27, 2010. (\$0).
- O-4 Resolution No. 09048** Authorization To Prepare And Execute An Agreement With Carollo Engineers For On-Call Professional Services To Develop The Port-Wide Sewer System Management Plan (SSMP), In An Amount Not To Exceed \$500,000.

Item O-5 was pulled on the recommendation of staff. President **Uno** requested, prior to leaving the meeting, that staff bring back Item O-2 at the earliest opportunity.

- O-5** ~~**PULLED** Authorization to Apply Executive Order 13502 Allowing for the Application of Project Labor Agreements on All Federal, Federally Funded or Assisted Construction Projects.~~

Commissioner **Batarse** noted that Items O-6 and O-7 were not heard in Committee.

- O-6** **Resolution No. 09049 & Port Ordinance No. 4099** Approval Of Employee's Participation In The Permanent Employees On Temporary Assignment (PETA) Program; And The Temporary Addition Of One (1) Position In The Youth Aide, Class BB (PETA) Classification In The Aviation Division.

- O-7** **Port Ordinance No. 4100** Deletion Of One (1) Position Of Deputy Port Attorney IV; And The Addition Of One (1) Position Of Deputy Port Attorney III In The Port Attorney's Office. (Estimated Cost Savings Of \$116,000 For FY08-09; Annualized Cost Savings Of \$38,000)

*The Motion to approve Items O-1, O-2, O-3, O-4, O-6 and O-7 passed by the following votes: (5) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Vice-President **Gordon**, Commissioner **Head**, and President **McClure**; (2) Excused: President **Uno** and Commissioner **Katzoff**.*

APPROVAL OF THE MINUTES

*On a Motion by Commissioner **Calloway**, seconded by Vice-President **Gordon**, the Board approved by consensus the Minutes of the Regular Meeting of March 17, 2009.*

SUMMARY ITEMS

*A Motion to approve items S-1 through S-3 was made by Commissioner **Batarse** and seconded by Commissioner **Head**.*

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.

- S-1** **Resolution No. 09050 Alaska Airlines**; 1 Airport Drive, Terminal 1, Bldg #M101: Installation of four new e-ticket kiosks near the windows across from their exiting ticket counters. The work includes installation of new electrical and data cables to existing connections. A condition of approval is that the tenant will move the equipment at their own expense at such time that the Port decides to remodel the window wall. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301(a) and 15303(e). Valuation of work: \$20,000.

- S-2** **Port Ordinance No. 4094** Ordinance Approving And Authorizing Execution Of A Lease With Jagpreet Enterprises, Inc., Doing Business As Sukhi's Gourmet Indian Foods And Quick-N-Ezee Indian Foods.
- S-3** **Port Ordinance No. 4095** Ordinance Approving And Authorizing Execution Of A Fourth Supplemental Agreement To Lease With Crown Castle, GT Company LLC.

OPEN FORUM

There were no speakers in Open Forum

ADJOURNMENT

*President **McClure** announced that he would be resigning from the Board effective at the end of the meeting.*

*At the hour of 7:41 pm President **McClure** adjourned the meeting in memory of the Oakland Police Officers killed in the line of duty: Sargent Mark Dunakin, Officer John Hege, Sargent Evan Romans and Sargent Daniel Sakai.*

John Betterton, Secretary

Date