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PAMELA CALLOWAY
Commissioner

JAMES W. HEAD
Commissioner

KENNETH KATZOFF
Commissioner

MINUTES

Regular Meeting of the Board of Port Commissioners Tuesday, June 16, 2009 - 3:00 p.m.

ROLL CALL

President **Uno** called the Meeting to order at 3:06 p.m., and the following Commissioners were in attendance:

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

CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.** Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 3 matter(s)
2. **CONFERENCE WITH LABOR NEGOTIATORS**

Agency Negotiator: Austris Rungis
Employee Organizations: IBEW Local 1245, IFPTE Local 21, SEIU Local 1021,
and Western Council of Engineers

ROLL CALL/OPEN SESSION

President **Uno** called the Meeting back to order in Open Session at 5:05 p.m., and the following Commissioners were in attendance:

Commissioner **Batarse**, Commissioner **Calloway**, Commissioner **Head**, Commissioner **Katzoff**, and President **Uno**.

CLOSED SESSION REPORT

The Port Secretary reported that the Board had unanimously approved (6 Ayes) the following Resolution in Closed Session:

Resolution No. 09077 Resolution Approving And Authorizing Execution Of Settlement Agreements, Release Of Claims And Allocation Of Settlement Payments Concerning State Of California (Caltrans) V. City Of Oakland Et Al, Alameda County Superior Court No RG06294550 And State Of California (Caltrans) V. City Of Oakland Et Al, Alameda County Superior Court No. RG06290623.

AVIATION

*A Motion to approve Items A-1 through A-3 was made by Vice-President **Gordon** and seconded by Commissioner **Katzoff**.*

- A-1 Resolution No. 09078** (1) Approval Of Draft Plans And Project Manual For The Construction Of Midfield Aircraft RON Parking Apron, South Field, OIA; (2) Authorization For The Director Of Engineering To Approve Final Plans And Project Manual; And (3) Authorization For Executive Director To Award Contract To The Lowest Responsible Bidder, In An Amount Not To Exceed \$4,600,000.

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

- A-2 Resolution No. 09079** (1) Approval To Dispense With Standard Bidding Procedures; And (2) Authorize The Executive Director To Approve And Execute A Contract With Promedia For Text To Speech Courtesy Announcement System (TCAS) For The Oakland International Airport, In The Amount Of \$100,000.

*The Motion to approve Item A-2 passed by the following votes: (5) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Commissioner **Head**, Commissioner **Katzoff**, and President **Uno**; (1) No: Vice-President **Gordon**.*

The following individuals addressed the Board on Item A-3: Bart Dugger, Carol Ward Allen, Andre Jones, Barry Luboviski, Scott Peterson, Paul Cohen, Eddie Dillard, Sharon Cornu, Art Dao, Dennis Fay, Donald Dean, Bill Hurrell, Sylvester Grigsby, Michael Quigley, Marsha Aikens, Hale Zukas, Karen Smuleviz, Rebecca Sultzman, Jonathan Baur, John White, Joel Ramos and Tom Dunscomb.

- A-3 Resolution No. 09080** Submittal Of Passenger Facility Charge (PFC) Application #15 To The Federal Aviation Administration (FAA) In The Amount Of \$70,435,000.

*The Motion to approve Item A-3 passed by the following votes: (5) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Vice-President **Gordon**, Commissioner **Head**, , and President **Uno**; (1) No: Commissioner **Katzoff**.*

COMMERCIAL REAL ESTATE

Commissioner **Katzoff** gave an account of the June 3rd Commercial Real Estate Committee Meeting. He reported that the Committee had approved for forwarding to the full Board Item C-1.

*A Motion to approve Item C-1 was made by Commissioner **Katzoff** and seconded by Commissioner **Head**.*

- C-1 Port Ordinance 4103** Approval Of A Fourth Amendment To Lease With National Railroad Passenger Corporation For A Five (5) Year Term Extension Effective December 16,2009 For The Premises Located At 530 Water Street, 5th Floor.

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

MARITIME

*A Motion to approve Items M-1 and M-2 was made by Commissioner **Head** and seconded by Commissioner **Calloway**.*

- M-1 Resolution No. 09081** Authorization To Proceed With The Use Of \$3 Million Of Port Funds Previously Committed To Retrofit Additional Drayage Trucks, Approve The Use Of Any Unspent Funds On Additional Port-Related Air Quality Projects, And Amend The Fund Agreement With The Bay Area Air Quality Management District (BAAQMD) To Reflect Such Changes As Necessary.

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

Item M-2 was pulled on the recommendation of Staff.

- M-2 PULLED** ~~Acknowledgment And Support Of Findings And Recommendations Of Beacon Economics As Stated In Comprehensive Truck Management Program Economic Impact Analysis Dated April 17, 2009.~~

The following individuals addressed the Board on Item M-3: Sharon Cornu, Aditi Vaidya, Dianne Bailey, Swati Prakash, Chuck Mack, Porfirio Diaz, Martin Frates, Todd Landrum, Christine Cordero, Kelsey Frazier, Josh Gruen, Dave Naples, Dave Chidister, Brad Edgar, Matt Schrap, Andy Garcia

- M-3 Resolution No. 09082** Adoption Of The Port Of Oakland Maritime Comprehensive Truck Management Program (CTMP).

*The Motion to approve Item M-3 passed by the following votes: (5) Ayes: Commissioner **Calloway**, Vice-President **Gordon**, Commissioner **Head**, Commissioner **Katzoff**, and President **Uno**; (1 No): Commissioner **Batarse**.*

OPERATIONS

- O-3** Draft Budget Presentation.

Port Staff, lead by Deputy Director Doug Waring, gave a presentation on the Budget.

Millie Cleveland addressed the Board on Item O-3.

*A Motion to approve Item O-1 was made by Commissioner **Batarse** and seconded by Commissioner **Calloway**.*

Administration

- O-1 Resolution No. 09083** Resolution Authorizing The Executive Director To Give Notices As Required By Chapter 4, Part 4, Sections 1400-1408 Of The California Labor Code, Entitled Worker Adjustment And Retraining Notification (WARN) Act (\$0).

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

Audit, Budget and Finance

Commissioner **Batarse** gave an account of the June 11th Audit, Budget and Finance Committee Meeting. He reported that the Committee had approved for forwarding to the full Board O-2.

*A Motion to approve Item O-2 was made by Commissioner **Batarse** and seconded by Commissioner **Head**.*

- O-2 Resolution No. 09084** Authority To Renew Owners' Controlled Insurance Program (OCIP II) Contractors' Pollution Liability Policy Effective July 14, 2009 With A Deposit Premium Not To Exceed \$350,000 For A Five-Year Term And Ten Years Completed Operations Coverage.

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

SUMMARY ITEMS

*A Motion to approve items S-1 and S-2 was made by Commissioner **Katzoff** and seconded by Commissioner **Head**.*

- S-1 Resolution No. 09085 OFFC/Swissport:** 1 Airport Drive, Repair and upgrade of the Emergency Fuel Shut Off System (EFSO). The project is intended to improve overall safety and efficiency of the fueling system. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Sections 15301(a), 15302(c), and 15303(d). Valuation of work: \$200,000.

S-2 Resolution No. 09086 Fed Ex: 1 Sally Ride Way, Installation of a fuel cell power generation facility at the Airport site, adjacent to Air Cargo Road. The work includes utility modifications to connect to the existing power on the site, removal of seven existing trees, and installation of six replacement trees. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Section 15303(d) and 15303(e). Valuation of work: \$200,000.

*The Motion to approve the Summary Items passed by the following votes: (6) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Vice-President **Gordon**, Commissioner **Head**, Commissioner **Katzoff**, and President **Uno**.*

OPEN FORUM

There were no speakers in Open Forum

ADJOURNMENT

There being no additional business, the Board adjourned at 8:10 PM.

John Betterton, Secretary

Date