

OMAR BENJAMIN
Executive Director

DOUGLAS WARING
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

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, July 7, 2009 - 3:00 p.m.

ROLL CALL

President **Uno** called the Meeting to order at 3:15 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 (3:00 p.m.)

President **Uno** convened the Meeting in Closed Session at 3:16 p.m. to hear the following Items:

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.** Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 6 matters

Steve O’Keefe, Nancy Watson and Al Loera addressed the Board in Closed Session on the Conference with Labor Negotiators.

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

OPEN SESSION/ ROLL CALL

President **Uno** called the Meeting back to order in Open Session at 5:13 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 REPORT

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

Resolution No. 09087 Resolution Approving And Authorizing The Executive Director To Execute A Settlement Agreement With Halcrow, Inc.

Sanjiv Handa addressed the Board on the Closed Session Report.

PRESIDENT'S / EXECUTIVE DIRECTOR'S REPORT

Millie Cleveland, Diane Maldonado, Al Loera and Sanjiv Handa addressed the Board on the President's and Executive Director's Reports.

AVIATION

Commissioner **Head** gave an account of the June 29th Aviation Committee Meeting. He reported that the Committee had approved for forwarding to the full Board Items A-1 through A-7.

*A Motion to approve Items A-1 through A-7 was made by Commissioner **Head** and seconded by Commissioner **Calloway**.*

- A-1 Port Ordinance 4104** Ordinance Approving Three Space/Use Permits, Two For A Non-Exclusive Food/Beverage Concession Privilege And One For A Specialty Retail/Wine Bar Concession Privilege Each With A Term Of Approximately 9 Years At Rental As The Higher Of A Minimum Annual Guarantee Of \$75 Per Square Foot vs. Various Percentage Rentals With (1) Norcal UFood LLC, (2) Gotham Foods Two LLC, And (3) Taste Inc. dba Vino Volo (1 Airport Drive, South Airport)..
- A-2 Resolution No. 09088** Approval Of A Resolution Amending The Definition Of "Initial Minimum Investment Amount" And Deleting The "Additional Minimum Investment Amount" In The Space/Use Permit For Registered Traveler Service Provider Between The Port And Verified Identity Pass, Inc. dba Clear Registered Traveler (South Airport).
- A-3 Port Ordinance 4105** First Reading Of Ordinance Approving The Terms And Conditions And Authorizing The Execution Of An Airline Operating Agreement And Its Space/Use Permit With Concesionaria Vuela Compañía De Aviación, S.A. De C.V. dba Volaris At Oakland International Airport With No Anticipated Monthly Revenue For At Least Twelve Months (#1 Airport Drive, South Airport).
- A-4 Resolution No. 09089** Authorization To Enter Into An Agreement With ESA Airports To Provide Project Advisory Consulting Services On The Aircraft Noise Monitoring System Upgrade Program At Oakland International Airport In An Amount Not To Exceed \$225,000.

A-5 Port Ordinance 4106 Proposed FY2010 Airline Landing Fees And Tenant Terminal Space Rentals (Various Amounts).

A-6 Resolution No. 09090 Authorization To Enter Into An Agreement With Safety And Security Instruction (SSI), Inc To Provide An Automated Airport Training System For The Oakland International Airport For An Amount Not To Exceed \$200,000.

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

A-7 Resolution No. 09091 Authorization To Negotiate And Execute Change Orders To The Contract With Bales Engineering Contractors, Inc., For Airfield Lighting Enhancement And Rehabilitation, North Field, OIA, AIP 3-06-0170-46, To (1) Add Cabling Portion Of The North Field Signage Replacement And Rehabilitation Project, And (2) Modify The Taxiway Edge Light Portion Of The North Field Taxiway Reconfiguration Work, In An Amount Disclosed To The Board Of Port Commissioners.

*The Motion to approve Item A-7 passed by the following votes: (4) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Commissioner **Head**, Commissioner **Katzoff**, and (2) Noes: Vice-President **Gordon** and President **Uno**.*

COMMERCIAL REAL ESTATE

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

C-1 Resolution No. 09092 Approval Of A Resolution Authorizing The Executive Director To Execute An Amendment To The Ferry Service Agreement With The City Of Alameda For A One Year Term, With A Cash Contribution Of \$70,650.00.

*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

Vice-President **Gordon** gave an account of the June 18th Maritime Committee Meeting. She reported that the Committee had approved for forwarding to the full Board Items M-1 through M-6.

*A Motion to approve Items M-1 through M-6 was made by Vice-President **Gordon** and seconded by Commissioner **Katzoff**.*

Bill Aboudi addressed the Board on Item M-1.

- M-1 Resolution No. 09093** Authorizing The Executive Director To (i) Phase The Wireless Truck Tracking And Reporting System Project Into Two Phases; (ii) Make Appropriate Funding Adjustments With The State For Security Grants, (iii) Advertise For Proposals For A Professional Services Agreement To Develop And Implement Certain Aspects Of The Comprehensive Truck Management Program (CTMP) Port Registry (“Phase 1”), And (iv) Negotiate And Execute An Agreement With The Selected Consultant.

- M-2 Resolution No. 09094** Authorization To Enter Into Agreements With Ports America Outer Harbor Terminal, LLC And APM Terminals Pacific Ltd ("APMT") For The Installation Of Replacement Gates And Related Features By Berth 20 And Chungking Road Within APMT's Current Premises And On A Vacant Portion Of Berth 24 And To Conduct Other Related Minor Modifications To APMT's Existing Premises.

- M-3 Resolution No. 09095** Authorization To Terminate The Professional Services Agreement With City Ocean International Inc.

- M-4 Resolution No. 09096** Authorization To Enter Into A Temporary Occupancy Agreement With The Crucible Organization On Port's Subaru Lot Property.

- M-5 Resolution No. 09097** Authorization The Executive Director To Enter Into A Repair Agreement With APMT For The Repair Of The Damaged Portion Of The Berth 22 Wharf.

- M-6 Resolution No. 09098** Authorize Executive Director To: (1) Implement Truck Financing Element Within The Business And Workforce Assistance Component Of The Comprehensive Truck Management Program (“CTMP”); (2) Negotiate Exclusively With One California Bank To Provide Low Cost Financing And Related Services To Drayage Truck Drivers And Companies; (3) Dispense With Competitive Bidding Requirements; And (4) Enter Into Financing Assistance Agreement With One California Bank.

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

President Uno called for a short recess at 6:55 p.m. He reconvened the meeting at 7:06 p.m. and all Commissioners were in attendance.

On the recommendation of staff, Item M-7 was pulled and rescheduled for the Board Meeting of July 21, 2009.

The following speakers addressed the Board on Item M-7: Doug Bloch, Sharon Cornu, Christine Cordero, Porfirio Diaz, Chuck Mack, Aditi Vaidya, Marty Frates, John Berge, Scott Taylor, Andy Garcia, and Steve Soderstrum.

- M-7 PULLED** ~~Acknowledgement And Support Of Findings And Recommendations Of Beacon Economics As Stated In Comprehensive Truck Management Program Economic Impact Analysis Dated April 17, 2009.~~

OPERATIONS

Vice-President **Gordon** gave an account of the June 16th Executive Committee.

Commissioner **Batarse** gave an account of the June 23rd 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 through O-5 was made by Commissioner **Batarse** and seconded by Commissioner **Calloway**.*

- O-1 Resolution No. 09099** Extension Of The Eligible List For Gardener III From July 15, 2009 Through July 15, 2010. (\$0).
- O-2 Resolution No. 09100** Extension Of The Eligible List For Airport Ground Transportation & Parking Operations Coordinator From August 27, 2009 Through August 27, 2010. (\$0).
- O-3 Resolution No. 09101** Authorization To Waive Standard Bidding And To Execute A Second Supplemental Agreement With Wise Gleicher For Investigative Services For The Office Of Equal Opportunity In An Amount Not To Exceed \$30,000.
- O-4 Resolution No. 09102** Authorization For The Executive Director To Execute Agreements To Implement And Host An Enterprise Resource Planning (ERP) System For The Port Of Oakland In Amounts Disclosed To The Board Of Port Commissioners.
- O-5 Resolution No. 09103 & Port Ordinance 4107** Addition Of One (1) Position Of Chief Financial Officer; And The Appointment Of A Chief Financial Officer (\$15,584 Per Month).

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

*On a Motion by Commissioner **Batarse**, seconded by Commissioner **Head**, the Board unanimously passed the following Resolution:*

Resolution No. 09104 Resolution Placing Supplemental Agenda Report Item O-6 On The Agenda For The July 7, 2009 Board Meeting And Finding And Determining That Need To Take Immediate Action Arose After Posting Of Agenda And It Is A Matter Of Urgency.

*A Motion to approve Item O-6 was made by Commissioner **Batarse** and seconded by Commissioner **Head**.*

- O-6 Resolution No. 09105** Approval To Execute An Administrative Agreement Between The City Of Oakland (City) And The Board Of Port Commissioners (Port) With Respect To The Port's Payments Of Its Allocable Share Of The City's CalPERS Contributions For FY2009-10 Under The CalPERS Pre-Pay Program.

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

APPROVAL OF THE MINUTES

*On a Motion by Commissioner **Calloway**, seconded by Vice-President **Gordon**, the Board unanimously approved (6 Ayes) the Minutes of the Board Meetings of June 2nd and June 16th.*

SUMMARY ITEMS

*A Motion to approve items S-1 through S-5 was made by Commissioner **Batarse** and seconded by Commissioner **Calloway**.*

- S-1 Resolution No. 09106 Total Terminals International:** 2505 Middle Harbor Road: Installation of RPM equipment at alternate gate to the terminal. The security screening equipment will be installed and connected to existing power on site. This project has been determined to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15301, 15311, and 15330 of the CEQA Guidelines. Valuation of work: \$200,000.
- S-2 Resolution No. 09107 American President Lines:** 1579 Middle Harbor Road: Installation of Optical Character Recognition (OCR) equipment at the four outbound lanes for the terminal. The OCR equipment will be installed on 3 new straight poles and 4 new T-poles, and connected to existing power on site. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant Section 15301 and 15304 (f). Valuation of work: \$120,000.
- S-3 Resolution No. 09108 Crown Castle/Verizon Wireless:** 107 Burma Road: Installation of five replacement and three new panel antennas on the existing monopole. The existing cell phone site is west of the Bay Bridget Toll Plaza. The new antennas will be placed at 73 feet high on the 75 feet tall poll. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines. Valuation of work: \$20,000.
- S-4 Port Ordinance 4102** First Reading Of Ordinance Approving The Terms And Conditions And Authorizing The Execution Of A Multi-Year License And Concession Agreement With Business Jet Center Oakland, L.P. For Aircraft Storage With A Monthly Rental Of \$16,760.05 (Building L-810/Bay "B", 7843 Old Earhart Road, North Airport).
- S-5 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.

ELECTION OF OFFICERS

Commissioner **Katzoff** made a Motion to nominate a slate: Commissioner **Gordon** for President, Commissioner **Head** for 1st Vice-President and Commissioner **Calloway** for 2nd Vice-President.

The Motion failed on the following vote: **(3) Ayes:** Commissioner **Gordon**, Commissioner **Batarse** and Commissioner **Katzoff**; **(3) Noes:** Commissioner **Head**, Commissioner **Calloway** and Commissioner **Uno**.

Commissioner **Katzoff** made a Motion to nominate Commissioner **Gordon**, for President.

The Motion failed on the following vote: **(2) Ayes:** Commissioner **Gordon**, and Commissioner **Katzoff**; **(4) Noes:** Commissioner **Batarse**, Commissioner **Head**, Commissioner **Calloway** and Commissioner **Uno**.

Commissioner **Batarse** made a Motion to nominate a slate: Commissioner **Uno**, for President, Commissioner **Gordon** for 1st Vice-President and Commissioner **Head** for 2nd Vice-President.

No action was taken on this Motion.

Commissioner **Head** made a Motion to nominate Commissioner **Uno**, for President.

The Motion passed on the following vote: **(5) Ayes:** Commissioner **Batarse**, Commissioner **Gordon**, Commissioner **Head**, Commissioner **Calloway** and Commissioner **Uno**; **(1) No:** Commissioner **Katzoff**

Commissioner **Uno** made a Motion to nominate Commissioner **Head**, for 1st Vice-President.

The Motion passed on the following vote: **(5) Ayes:** Commissioner **Batarse**, Commissioner **Gordon**, Commissioner **Head**, Commissioner **Calloway** and Commissioner **Uno**; **(1) No:** Commissioner **Katzoff**

Commissioner **Katzoff** made a Motion to nominate Commissioner **Gordon**, for President.

No vote was taken on this Motion, as a President had already been elected.

Commissioner **Uno** made a Motion to nominate Commissioner **Calloway**, for 2nd Vice-President.

Commissioner **Calloway** declined the nomination.

Commissioner **Head** made a Motion to nominate Commissioner **Gordon**, for 2nd Vice-President.

The Motion passed on the following vote: **(5) Ayes:** Commissioner **Batarse**, Commissioner **Gordon**, Commissioner **Head**, Commissioner **Calloway** and Commissioner **Katzoff**; **(1) No:** Commissioner **Uno**

OPEN FORUM

There were no speakers in Open Forum.

ADJOURNMENT

There being no additional business, the Board adjourned at 8:17 PM.

John Betterton, Secretary

Date