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PAMELA CALLOWAY
Commissioner

GILDA GONZALES
Commissioner

KENNETH KATZOFF
Commissioner

MINUTES

Regular Meeting of the Board of Port Commissioners

Tuesday, September 15, 2009 - 2:00 p.m.

ROLL CALL

President **Uno** called the Meeting to order at 2:09 p.m., and the following Commissioners were in attendance:

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

CLOSED SESSION

President **Uno** convened the Meeting in Closed Session at 2:10 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: 3 matter(s)
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR.** Government Code Section 54956.8.

Property: #1 Airport Drive, South Airport

Negotiating Parties: Port of Oakland, Bay Area Rapid Transit

Agency Negotiator: Deborah Ale-Flint, Acting Director of Aviation

Under Negotiation: Terms and Conditions of the Development Agreement

3. **CONFERENCE WITH LABOR NEGOTIATORS**

Agency Negotiator: Austris Rungis

Employee Organizations: Western Council of Engineers

ROLL CALL/OPEN SESSION

President **Uno** reconvened the Meeting in Open Session at to order at 4:05 p.m., and the following Commissioners were in attendance:

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

CLOSED SESSION REPORT

The Port Secretary reported that the Board had unanimously approved (**7 Ayes**) the following Resolution in Closed Session:

Resolution No. 09124 Resolution Approving And Authorizing The Execution Of A Settlement Agreement With Marine Express, Inc, And Seaway Towing (Collectively "Claimants") Regarding A Claim Alleged Damages Related To The Inner Harbor Turning Basin ("IHTB")

PRESIDENT'S REPORT

Sanjiv Handa addressed the Board on the Executive Director's Report.

EXECUTIVE DIRECTOR'S REPORT

AVIATION

Vice-President **Head** gave the September 2nd Aviation Committee Report. He reported that the Committee had approved for forwarding to the full Board Items A-1 through A-4.

Sanjiv Handa addressed the Board on the Aviation Committee Report.

*A Motion to approve Items A-1 through A-4 was made by Vice-President **Head** and seconded by Commissioner **Calloway**.*

- A-1 Port Ordinance 4109** First Reading Of Ordinance Approving The Terms And Conditions And Authorizing The Execution Of A Lease With Oakland Aviation Museum, A California Non-Profit Public Benefit Corporation For An Aviation Museum With An Annual Rental Of \$1.00 (Building L-621, 8260 Boeing Street, North Airport).

*The Motion to approve Item A-1 passed by the following votes: (**7**) **Ayes:** Commissioner **Batarse**, Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff** and President **Uno**.*

- A-2 Resolution No. 09125** Authorization To Enter Into An Agreement With Eagle Integrated Solutions, Inc To Provide An Electronic Part 139 Inspection System For The Oakland International Airport For An Amount Not To Exceed \$150,000.

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

Sanjiv Handa addressed the Board on ItemA-3.

- A-3 Resolution No. 09126** Award Of Contract For Certain Airport Contract Security Services For The Period Commencing October 1, 2009 And Ending September 30, 2010, 2011, 2012, 2013, Or 2014 At Oakland International Airport, In The Estimated Annual Amount Of \$1,686,000.

*The Motion to approve Item A-3 passed by the following votes: (4) Ayes:, Commissioner **Gonzales**, Vice-President **Head**, Commissioner **Katzoff** and President **Uno**; (2) Abstain: Commissioner **Batarse** and Commissioner **Calloway**; (1) No: Vice-President **Gordon***

*On a Motion by Commissioner **Gonzales**, seconded by Commissioner **Katzoff**, the Board directed staff to report annually on the performance of the contract (Item A-3) approximately 90 days prior to the renewal date.*

- A-4 Port Ordinance 4110** Amendment To Ordinance 3830, As Amended, For Airport Public Parking Rate Modifications To Include Targeted Promotional Rate Discounts Within Specified Parameters.

*The Motion to approve Item A-4 passed by the following votes: (6) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, and President **Uno**; (1) Abstain: Commissioner **Katzoff**.*

MARITIME

Sanjiv Handa addressed the Board on Maritime.

Port Attorney, David Alexander, reported on the following:

- M-1** Discussion Regarding Port Comments On Federal Acquisition Regulation; (FAR Case 2009-005), Use Of Project Labor Agreements For Federal Construction Projects.

*On a Motion by Commissioner **Calloway**, seconded by Vice-President **Head** the Board unanimously approved a directive to staff to go forward with comments on proposed regulations consistent with allowing the Port to continue with its current Project Labor Agreement.*

OPERATIONS

Vice-President **Head** reported on the July 30th Special Executive Committee Meeting.

Sanjiv Handa addressed the Board on Executive Committee Report.

Commissioner **Batarse** reported on the July 28th Administration Committee Meeting. He reported that the Committee had approved for forwarding to the Board Items O-1 through O-8.

*A Motion to approve Items O-1, O-2, O-5, O-6 and O-8 was made by Commissioner **Batarse** and seconded by Vice-President **Head**.*

Sanjiv Handa addressed the Board on the Administration Committee Report.

O-1 Port Ordinance 4111 Deletion Of One (1) Position Of Executive Assistant II; And The Addition Of One (1) Position Of Assistant Secretary Of The Board In The Office Of The Board Of Port Commissioners.

On a Motion by Commissioner **Calloway**, seconded by Commissioner **Gonzales**, the Board unanimously approved a directive to the Executive Committee to provide annual reviews of the Board Secretary, Executive Director and Port Attorney.

O-2 Resolution No. 09127 Approval Of Amendment To The Commuter Reimbursement Plan Of The Port Of Oakland (No Fiscal Impact).

Items O-3 and O-4 were pulled on the recommendation of staff.

O-3 PULLED Authorization To Prepare And Execute A Supplemental Agreement, Assigning An Existing Professional Services Agreement With ENSR Corporation (No. 07233), To AECOM, Inc., dba AECOM Environment.

O-4 PULLED Authorization To Prepare And Execute A Supplemental Agreement, Assigning An Existing Professional Services Agreement With NRM Environmental Consulting, LLC, To HNTB Corporation.

O-5 Resolution No. 09128 Delegation Of Authority To The Executive Director To Execute Customer Generation Agreements With Pacific Gas And Electric Company And Similar Agreements With Tenants To Interconnect And Operate A Tenant's Power Generating Facility In Parallel With The Port's Existing Distribution System (No Amount Invoiced).

O-6 Resolution No. 09129 Authorization For The Executive Director To Execute A 5-Year Power Purchase Agreement With FedEx, For An Annual Amount Not To Exceed \$50,000.

Items O-7 was pulled on the recommendation of staff.

O-7 PULLED Authorization For The Executive Director To Execute An Amended And Restate Third Phase Agreement With The Northern California Power Agency To Purchase Renewable Electricity From The New Western GeoPower, Inc., Geothermal Power Plant At The Geysers In Sonoma County, For An Annual Amount Not To Exceed \$1.2 Million Starting In July 2011.

O-8 Resolution No. 09130 Authorization For The Executive Director To Execute An Exclusive Negotiating Agreement With Pacific Biogas Energy LLC For The Lease Of A New Proposed Site In North Field, OIA, And A Power Purchase Agreement With Pacific Biogas Energy For Renewable Energy Generated On The Leased Site, For A One-Time Increase In Revenue of \$10,000.

*The Motion to approve Items O-1, O-2, O-5, O-6 and O-8 passed by the following votes: (7) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff** and President **Uno***

*A Motion to approve Item O-9, was made by Commissioner **Batarse** and seconded by Vice-President **Head**.*

O-9 Resolution No. 09131 Resolutions Requesting The Oakland City Council To Take Such Actions As Are Necessary To Offer To Certain Employment Classifications At The Port Of Oakland The California Public Employees' Retirement System's "Two Years Additional Service Credit" Optional Benefit, Pursuant To California Government Code Section 20903.

*The Motion to approve Items O-9 passed by the following votes: (7) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff** and President **Uno***

Vice-President **Gordon** reported on the September 3rd City/Port Liaison Committee.

Sanjiv Handa addressed the Board on City/Port Liaison Committee Report.

APPROVAL OF THE MINUTES

*On a Motion by Vice-President **Head**, seconded by Commissioner **Calloway**, the Board approved the Minutes of the Board Meeting of July 21 2009, by the following votes: (6) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff** and President **Uno**; (1) Abstain: Commissioner **Gonzales**.*

SUMMARY ITEMS

*On a Motion by Vice-President **Head**, seconded by Commissioner **Calloway**, the Board approved Items S-1 through S-7, (excluding S-5), by the following votes: (6) Ayes: Commissioner **Batarse**, Commissioner **Calloway**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff** and President **Uno**; (1) Abstain: Commissioner **Gonzales**.*

- S-1 Resolution No. 09132 ATT:** 1 Airport Drive, Terminal 1, Bldg #M102 and M103: Modification of existing telecommunications equipment serving the Airport Terminals. The work includes modifications to the antennas on the exterior of Building M102, changes to cabinets and equipment in the M103 equipment room, and installation of new optical fiber in the existing conduit to replace the existing coax cable. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to 15302 and 15303. Valuation of work: \$15,000.
- S-2 Resolution No. 09133 OFFC:** 2 Edward White Way, South Field Fuel Tank Farm: This is an amendment to the permit for replacement of portions of the south field tank farm, primarily at Tank Farm C. The applicant originally proposed to replace the existing pipeline connecting the tank farm and the terminal hydrant system along its current alignment. The applicant now proposes a new alignment away from the shoreline. The work described in the original project description will not change with this approval, only the revised alignment of this pipeline. Originally, this project was determined to be categorically exempt from further review under the California Environmental Quality Act pursuant to Class 2, Section 15302 and Class 4, Section 15304 of the CEQA Guidelines. The revised pipeline alignment is statutorily exempt pursuant to Public Resources Code Section 21080.21 – Public Right-of-Way Projects Less than One Mile in Length, or CEQA Guidelines Section 15282(k). Valuation of work: \$25,000,000 (full project value).
- S-3 Resolution No. 09134 Taste, Inc. (dba Vino Volo):** 1 Airport Drive, Terminal 2, Building #M130: Tenant improvements in an existing unoccupied space in Terminal 2, opposite the exit stairs leading to bag claim. The work includes installation of new flooring, bar, cabinetry, service kitchen, lighting, and furniture for the new wine bar. Work also includes related plumbing, electrical and mechanical work. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301 and 15302. Valuation of work: \$300,000.
- S-4 Resolution No. 09135 Alaska Airlines:** 1 Airport Drive, Terminal 1, Bldg #M102 1 and M103: Modification of existing radio systems serving the tenant. The work includes installation of new conduit connecting the gate and ticket counters and new radio equipment, including antennas that will be mounted using non-intrusive mounts. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to 15301 and 15303. Valuation of work: \$10,000.

Item S-5 was pulled on the recommendation of Staff.

- S-5 PULLED Clear Channel Outdoor, Inc.:** Bay Bridge Toll Plaza. Renovation of existing billboard sign to replace the existing tri-fold display with an LED display. The pole cover and time display will also be replaced. This display area will not change. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301. Valuation of work: \$950,000.

S-6 Resolution No. 09136 SFPP, Inc. (KMEP): I Airport Drive, Dike Road at R/W 11-29. Excavation of a 12 ft. by 7 ft. by 8 ft. deep trench to allow inspection of the existing fuel pipeline. Repairs will be made if necessary. The applicant will provide a report on any findings at this site. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Section 15282(k). Valuation of work: \$20,000.

Ordinances For Second And Final Reading

S-7 Port Ordinance 4108 An Ordinance Amending Port Ordinance No. 4091, Rules And Regulations, For The Use Of Oakland International Airport.

OPEN FORUM

Sanjiv Handa addressed the Board in Open Forum.

ADJOURNMENT

There being no additional business, the Board adjourned at 6:25 PM.

John Betterton, Secretary

Date