

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

JAMES W. HEAD
First Vice-President

MARGARET GORDON
Second Vice-President

ANTHONY A. BATARSE, JR
Commissioner

PAMELA CALLOWAY
Commissioner

GILDA GONZALES
Commissioner

KENNETH KATZOFF
Commissioner

MINUTES

Regular Meeting of the Board of Port Commissioners

Tuesday, October 20, 2009 - 2:00 p.m.

ROLL CALL

President **Uno** called the Meeting to order at 1:13 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**.

The Board was asked by the Port Attorney to make a finding that there was a need to take immediate action, on Closed Session Item 3, and that the need for action came to the attention of the Port after the Agenda was posted and that the need to take action was required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent Special or Regular Meeting.

*On a Motion by Commissioner **Calloway**, seconded by Vice-President **Head**, the Board unanimously (7 Ayes) made the requested finding and Item 3 was added to the Closed Session Agenda.*

CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.** Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 4 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

Property: Former Oakland Army Base and Adjacent Properties
Negotiating Parties: Port of Oakland, AMB Properties and California Capital Group
Agency Negotiator: James Kwon, Director of Maritime
Under Negotiation: Price and Terms of Payment

3. CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiator: Austris Rungis
Employee Organizations: Western Council of Engineers

OPEN SESSION/ROLL CALL

President **Uno** reconvened the Meeting in Open Session at 4:22 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 Attorney stated that there were no Items to report out of Closed Session.

MARITIME

Commissioner **Calloway** gave the October 8th Maritime Committee Report. She reported that the Committee had approved for forwarding to the full Board Items M-1 and M-2.

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

Sanjiv Handa addressed the Board on the Committee Report.

M-1 Resolution No. 09153 Declare Surplus And Authorize Donation Of One William Scotsman 12'x60' Office Trailer No. XU-99 To Hispanic Business, Education, And Training, Inc. In Support Of The Port's Comprehensive Truck Management Program.

Ron Silva and Bill Aboudi addressed the Board on Item M-1.

M-2 Resolution No. 09154 Authorization To Dispense With Standard Bidding Procedures And Award A One Year Extension For The Contract For Furnishing Labor, Materials And Equipment For Spot Painting Of Port Of Oakland Cranes Which Expires On November 30, 2009 With Annual Amount Not To Exceed \$125,000.

*The Motion to approve Items M-1 and M-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**.*

M-3 Delphine Prevost , Sr. Maritime Projects Administrator, gave an informational briefing on the Port's Shore Power Program.

By prior arrangement, Commissioner **Calloway** left the Meeting, at 5:17 PM.

OPERATIONS

Vice-President **Gordon** reported on the October 6th Executive Committee Meeting.

Sanjiv Handa addressed the Board on the Committee Report.

The Port Secretary gave the report on the October 8th Audit Budget and Finance Committee Meeting.

Sanjiv Handa addressed the Board on the Committee Report.

*Vice-President **Head** made a motion, seconded by Commissioner **Batarse**, to approve Items O-1 through O-3.*

*Commissioner **Katzoff** made a Motion, seconded by Commissioner **Gonzales**, to Table Item O-2.*

*Commissioner **Katzoff** made a Motion, seconded by Commissioner **Gonzales**, to Close Debate on Item O-2. The Motion passed by the following votes: **(4) Ayes:** Commissioner **Batarse**, Commissioner **Gonzales**, Vice-President **Gordon** and Commissioner **Katzoff**; **(2) Noes:** Vice-President **Head** and President **Uno**.*

*The Motion to Table Item O-2 failed on the following votes: **(3) Ayes:** Commissioner **Batarse**, Commissioner **Gonzales** and Commissioner **Katzoff**; **(3) Noes:** Vice-President **Gordon**, Vice-President **Head** and President **Uno**.*

At the direction of President **Uno**, Item O-2 was pulled. Staff was directed to bring the Item back to the next Board Meeting with answers and analysis requested by the Board (including: a Port-wide analysis on staff computer usage and future needs; information on all bidders; and a report on current hardware and licenses for Port work-station computers).

- O-1 Resolution No. 09155** Waiver Of Standard Bidding For Packet Fusion To Replace The Port's Voice Mail Systems For An Amount Not To Exceed \$75,000.
- O-2 PULLED** Waiver Of Standard Bidding And Authorization For The Executive Director To Enter Into Information Technology Systems, Licensing, Maintenance And Support Agreements For An Amount Not To Exceed \$416,000.
- O-3 Resolution No. 09156** Authorization To Dispose Of Obsolete Or Surplus Port Vehicles And Equipment By Public Auction, Dealer Auction, Recycling, Or Donation To Non-Profit Organizations With An Estimated Gross Revenue Of \$77,400.

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

APPROVAL OF THE MINUTES

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

SUMMARY ITEMS

*On a Motion by Commissioner **Batarse**, seconded by Commissioner **Katzoff**, the Board approved Summary Item S-1 by the following votes: (6) Ayes: Commissioner **Batarse**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff** and President **Uno**; (1) Excused: Commissioner **Calloway**.*

Barbara Coler of the Bay Area Air District addressed the Board on behalf of Executive Director of the Air District, Jack Broadbent.

The following individuals addressed the Board on Item S-1: Bill Aboudi, Aditi Vaidya and Christine Cordero.

- S-1 Port Ordinance 4112** An Ordinance Amending Port Ordinance No. 2833 And Approving The Amendment Of Tariff 2A Establishing The General Rules Relating To The Maritime Comprehensive Truck Management Program.

OPEN FORUM

The following individuals addressed the Board in Open Forum: Nischit Hegde, Raymon Reyosa, Yesenia, Alfredo Merino, Reginald Beasley, Dave Ellis and Bill Aboudi.

In response to issues raised in Open Forum, the Board directed staff to follow-up and report back to the Aviation Committee on issues raised by employees of Airport Vendor 360° Burrito and closing of the VIP Parking Operation.

ADJOURNMENT

There being no additional business, the Board adjourned at 6:14 PM.

John Betterton, Secretary

Date