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Commissioner

PAMELA CALLOWAY
Commissioner

GILDA GONZALES
Commissioner

KENNETH KATZOFF
Commissioner

MINUTES

Special Meeting of the Board of Port Commissioners

Monday, January 11, 2010 - 12:00 p.m.

ROLL CALL

President **Uno** called the Special Meeting of the Board to order at 12:09 p.m., and the following Commissioners were in attendance:

Commissioner **Batarse**, Commissioner **Calloway**, Commissioner **Gonzales**, 1st Vice-President **Head**, and President **Uno**.

2nd Vice-President **Gordon** arrived at 1:15 p.m.

Commissioner **Katzoff** was excused.

CLOSED SESSION (12:00 p.m.)

President **UNO** convened the Meeting in Closed Session at 12:10 p.m. to hear the following Items:

1. **Conference with Real Property Negotiator** – As provided under California Government Code Section 54956.8:

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

Property: Berths 20-24 Outer Harbor Terminal Facilities
Negotiating Parties: Port of Oakland and Ports America Outer Harbor Terminals, LLC
Agency Negotiator: Director of Maritime, James Kwon
Under Negotiation: Price and Terms of Agreement

Property: Berths 33-37
Negotiating Parties: Port of Oakland and Evergreen Marine Corporation (Taiwan) Ltd
Agency Negotiator: Director of Maritime, James Kwon
Under Negotiation: Price and Terms of Agreement

Property: Berths 60-63
Negotiating Parties: Port of Oakland and Eagle Marine Services (APL Terminal)
Agency Negotiator: Director of Maritime, James Kwon
Under Negotiation: Price and Terms of Agreement

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION. Pursuant to subdivision (a) of Section 54956.9.

SSA Terminals, LLC and SSA Terminals (Oakland, LLC) v. the City of Oakland, Acting by and Through its Board of Port Commissioners
Docket No. 09-08

3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: II matters

4. CONFERENCE WITH LABOR NEGOTIATIONS

Agency Negotiator: Austrius Ringis
Employee Organization: Western Council of Engineers

5. PUBLIC EMPLOYEES PERFORMANCE EVALUATIONS. Government Code Section 54957: Title: Executive Director

ROLL CALL\ OPEN SESSION

President **Uno** reconvened the Meeting in Open Session at 2:30 P.M., and the following Commissioners were in attendance:

Commissioner **Batarse**, Commissioner **Calloway**, Commissioner, **Gonzales**, 2nd Vice-President **Gordon**, 1st Vice-President **Head**, and President **Uno**.

Commissioner **Katzoff** was excused.

CLOSED SESSION REPORT

*The Board Secretary reported that the Board had unanimously approved (5 Ayes, 2 Excused **Gordon**, **Katzoff**) in Closed Session the following Resolution:*

Resolution No. 10-1 Authorizing And Approving Retention Of The Law Firm Of Saul Ewing LLP As Special Counsel.

Sanjiv Handa addressed Board on all of the agenized items.

MARITIME

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

- M-1** **Resolution No. 10-2** Authorization for the Executive Director to Extend the Six-month Exclusive Negotiating Agreement ("ENA") with AMB Property Corporation ("AMB") and California Capital Group ("CCG"), Executed on August 24, 2009, Until August 1, 2010 for a Portion of the Former Oakland Army Base ("OAB") and Other Lands that Comprise Approximately 168 Acres

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

- M-2** **Resolution No. 10-3** Authorization to Enter into a Supplemental Agreement modifying the Non-Exclusive Preferential Assignment Agreement with Evergreen to (i) Dispose of Container Cranes X424, X425, and X426 from their Premises, (ii) Reduce their Minimum Compensation as a Result of Such Disposal, and (iii) Allow Evergreen to Purchase and Install Three New Cranes on the Premises

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

- M-3** **Resolution No. 10-4** Authorization to Negotiate and Execute a Sale Agreement with the Massachusetts Port Authority to Purchase Three Container Cranes X424, X425, and X426 for \$2,000,000.

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

APPROVAL OF THE MINUTES

*On a Motion by Commissioner **Calloway**, seconded by Commissioner **Gonzales**, the Board approved the Minutes of the Regular Meeting of December 8, 2009 by unanimous consent (1 excuse, d **Katzoff**.)*

OPEN FORUM

There were no speakers in Open Forum.

ADJOURNMENT

There being no additional business, the Board adjourned at 3:02 P. M.

John Betterton, Secretary

Date