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MARGARET GORDON
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PAMELA CALLOWAY
Commissioner

GILDA GONZALES
Commissioner

KENNETH KATZOFF
Commissioner

MICHAEL LIGHTY
Commissioner

MINUTES

Meeting of the Board of Port Commissioners

Tuesday, March 2, 2010 – 2:00 p. m.

ROLL CALL

President **Uno** called the Regular Meeting of the Board to order at 2:22 p.m., and the following Commissioners were in attendance:

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

CLOSED SESSION

President **UNO** convened the Meeting in Closed Session at 2:22 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
Agency Negotiator: Director of Maritime, James Kwon
Under Negotiation: Price and Terms of Payment

Property: Berths 25-26
Negotiating Parties: Port of Oakland and International Transportation Service, Inc., (ITS)
Agency Negotiator: Director of Maritime, James Kwon
Under Negotiation: Price and Terms of Payment

Property: Berths 30-33
Negotiating Parties: Port of Oakland and TransPacific Container Service (TraPac)
Agency Negotiator: Director of Maritime, James Kwon
Under Negotiation: Price and Terms of Payment

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 Payment

Property: Berths 55-59
Negotiating Parties: Port of Oakland and Total Terminals, Inc, LLC (TTI)
Agency Negotiator: Director of Maritime, James Kwon
Under Negotiation: Price and Terms of Payment

Property: Berths: 57-59
Negotiating Parties: Port of Oakland and SSA Terminals, LLC (SSAT)
Agency Negotiator: Director of Maritime, James Kwon
Under Negotiation: Price and Terms of Payment

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 Payment

Property: Berths 67-68
Negotiating Parties: Port of Oakland and SSA Terminals, LLC (SSAT) (Howard Terminal)
Agency Negotiator: Director of Maritime, James Kwon
Under Negotiation: Price and Terms of Payment

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Executive Director
Title: Port Attorney
Title: Chief Audit Officer

ROLL CALL/OPEN SESSION

President **Uno** reconvened the Meeting in Open Session at 2:50 p.m., and the following Commissioners were in attendance:

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

Commissioner **Katzoff** arrived at 4:25 p.m.

CLOSED SESSION REPORT

The Port Attorney reported that the Board had taken no final actions in Closed Session, but would require an additional Closed Session to complete the Agenda.

STRATEGIC PLANNING

Lande Ajose, PH.D., of BTW Informing Change facilitated a discussion on the Strategic Plan for Fiscal Years 2011 through 2015.

The following individuals addressed the Board on Strategic Planning: Steve Lowe, Scott Peterson, John Berry, Bill Aboudi, Alex Tonisson and Berit Erikesson

AVIATION

Commissioner Gonzales gave an account of the February 22nd Aviation Committee Meeting. She reported that the Committee had recommended for forwarding to the full Board Item A-1.

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

A-1 **Resolution No. 10-12** Approval of a Resolution Authorizing Execution by the Director of Aviation of a Professional Services Agreement with Team Eagle, Ltd., Previously Authorized to be with Eagle Airfield Ltd.

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

MARITIME

Commissioner **Calloway** gave an account of the February 18th Maritime Committee Meeting. She reported that the Committee had approved for forwarding to the full Board Items M-1 through M-4.

*A Motion to approve Items M-1 through M-4 was made by Commissioner **Calloway** and seconded by Commissioner **Gonzales**.*

M-1 **Resolution No. 10-13** Authorizing the Executive Director to (i) Accept the Department of Homeland Security FY 2009 American Recovery and Reinvestment Act (ARRA) Port Security Grant (PSG) Funds; (ii) Authorize a Sub Grant of PSG Funds to the City of Oakland (City) for Design and Construction of a Domain Awareness Center; (iii) Waive Standard Bid Procedures, and Authorize the Executive Director to Negotiate and Execute an Agreement with Government Technology Services, Inc. for Security Design and Project Construction of Transportation Worker Identification Credential (TWIC) Infrastructure at Port of Oakland Marine Terminals

*President **Uno** offered a friendly amendment, accepted by the makers of the Motion, to apply the Maritime and Aviation Project Labor Agreement to the project.*

- M-2** **Resolution No. 10-14** (1) Approval of Draft Plans and Project Manual for Demolition and Removal of Port of Oakland Cranes X402, X403 and X404 at Berths 20 and 21 and X424, X425 and X426 at Berths 35 and 37, Outer Harbor; (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 Responsive Bidder
- M-3** **Resolution No. 10-15** Authorization to Dispense with Standard Bidding Procedures for Maintenance Dredging and Furnishing Pile Driver Crew for Repairs to Docks and Waterfront Facilities, for Port of Oakland for the Period Commencing July 1, 2010 and Ending June 30, 2011, 2012, or 2013, in the Amount of \$900,000 Each Year for Berth Maintenance, and \$100,000 Each Year for Furnishing Pile Driver Crew, for a Total of \$3,000,000
- M-4** **Resolution No. 10-16** Authorization to Negotiate and Execute Change Orders for Various Project Changes, Including Project Re-Phasing for the Berth 30-33 Yard and Gate Redevelopment, in an Amount Disclosed to the Board of Port Commissioners

*The Motion to approve Items M-1 through M-4 passed by the following votes: (7) **Ayes:** Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff**, Commissioner **Lighty**, and President **Uno***

Regarding Item M-5, On the recommendation of the Port Attorney, the Board unanimously approved (7 Ayes) a finding that there was a need to take immediate action which came to the attention of the body after the Agenda was posted, and that the need to take immediate 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 Vice-President **Head**, seconded by Commissioner **Calloway**, the Commissioners approved (7 Ayes) the following Resolution:*

Resolution No. 10-17 Resolution Finding And Determining That The Proposed Amendment To The Purchase Agreement With The Massachusetts Port Authority For The Sale Or Disposition Of Three Kocks Cranes At The Ben E. Nutter Terminal Is A Matter Of Urgency.

*A motion to approve Item M-5 was made by Commissioner **Calloway** and seconded by Commissioner **Head**.*

- M-5 Resolution No. 10-18** Resolution Authorizing and Approving an Amendment to the Purchase Agreement between the Port of Oakland and the Massachusetts Port Authority (“Massport”) for the Disposition of Cranes at the Ben E. Nutter Terminal at No Purchase Price in Exchange for the Removal of the Cranes at No Cost to the Port.

*The Motion to approve Item M-5 passed by the following votes: (5) Ayes: Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Head**, Commissioner **Katzoff** and Commissioner **Lighty**; (2) Noes Vice-President **Gordon** and President **Uno***

OPERATIONS

Commissioner Lighty reported on the February 23rd Administration Committee Meeting. He reported that the Committee had approved for forwarding to the full Board Items O-1 through O-3.

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

- O-1 Port Ordinance No. 4122** Addition of One (1) Position of Port Delivery person and Deletion of One (1) position of Building Services Manager in the Commercial Real Estate Division. (Estimated cost savings of \$52,250 for FY09-10)

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

Items O-2 and O-3 were pulled on the recommendation of staff.

- O-2 PULLED** Adoption of an Ordinance to Revise Port Ordinance No. 2832 to Allow Schools Meeting Certain Conditions to Occupy the Business Park.

- O-3 PULLED** Adoption of Port of Oakland Energy Efficiency Goals for the years 2011 through 2020 As Required by State of California Assembly Bill 2021 (AB 2021)

*A Motion to approve Item O-4 was made by Commissioner **Lighty** and seconded by Commissioner **Katzoff**.*

- O-4 Resolution No. 10-19** Authorization to Establish Open Account Agreements for FY2009-10 and Re-Allocate as Necessary in an Aggregate Amount Not To Exceed \$5,655,000.

*The Motion to approve Item O-4 passed by the following votes: (7) Ayes: Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff**, Commissioner **Lighty** and President **Uno***

SUMMARY ITEMS

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

- S-1 Port Ordinance No. 4118** An Ordinance Approving the Terms and Conditions and Authorizing the Execution of an Airline Operating Agreement and Ratification of License and Concession Agreement with Flight Express, Inc. for Parking of Aircraft in Support of Dedicated Air Cargo Operations/Business With a Monthly Rental of \$1,685.03 (Adjacent to Port Building L-906, 980 Harbor Bay Parkway, North Airport)

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

- S-2 Port Ordinance No. 4119** An Ordinance Authorization for the Executive Director to Execute an Amendment to the Amended and Restated Option to Purchase and Ground Lease Real Property, and Execute a Tidelands Trust Exchange Agreement, a Purchase and Sale Agreement, an Open Space Ground Lease, a Marina Ground Lease and Other Related Documents for the Oak to Ninth District Project.

Port Resolution 10-20 A Resolution Adopting CEQA Findings And Statement Of Overriding Considerations, Authorizing The Executive Director To Execute An Amendment To The Amended And Restated Option To Purchase And Ground Lease Real Property, Approving The Procedures Adopted For And Selection And Submittal Of The Army Reserve Parcels As The Exchange In Parcel, And Authorizing The Executive Director To Cause Execution Of A Promissory Note, And Authorizing The Executive Director Or His Designee To Execute Related Documents As Necessary To Consummate The Transaction Contemplated.

*The Motion to approve Item S-2 passed by the following votes: (6) Ayes: Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Head**, Commissioner **Katzoff**, Commissioner **Lighty**, and President **Uno**; (1) No Vice-President **Gordon***

- S-3 Port Ordinance No. 4120** An Ordinance Adding One (1) Limited Duration Position of Deputy Port Attorney III in the Port Attorney's Office that will not Exceed June 30, 2010. (Estimated Additional Cost of \$84,350 for FY 09-10 that Includes Benefits)

*The Motion to approve Item S-3 passed by the following votes: (7) Ayes: Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff**, Commissioner **Lighty**, and President **Uno***

S-4 Port Ordinance No. 4121 An Ordinance Adding One (1) Limited Duration Position of Port Assistant Management Analyst in the Administration and Social Responsibility Division that will not Exceed June 30, 2010 and Deletion of One (1) Position of Port Job Researcher. (Estimated Cost Savings of \$35,985 for FY09-10)

*The Motion to approve Item S-4 passed by the following votes: (7) Ayes: Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff**, Commissioner **Lighty**, and President **Uno***

OPEN FORUM

There were no speakers in Open Forum.

ADJOURNMENT

President Uno asked for a moment of silence in memory of Sandy Khoo, daughter of Port employee May Saw Khoo.

There being no additional business the Meeting was adjourned in memory of Sandy Khoo.

John Betterton, Secretary

Date