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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 16, 2010 – 2:00 p. m.

Board Room – 2nd Floor

ROLL CALL

President **Uno** called the Regular Meeting of the Board to order at 2:20 p.m., and the following Commissioners were in attendance:

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

Commissioner **Lighty** - was Excused

CLOSED SESSION

President Uno called the Closed Session to order at 2:21 to hear the following:

- 1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.** Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
4 matters
- 2. 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

3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Executive Director

4. PUBLIC EMPLOYEE APPOINTMENT

Title: Director of Aviation

ROLL CALL/OPEN SESSION

President **Uno** reconvened the Meeting in Open Session at 4:50 p.m., and the following Commissioners were in attendance:

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

Commissioner **Lighty** was excused.

CLOSED SESSION REPORT

The Board Secretary reported that the Board had unanimously approved (6 Ayes, 1 Excused) in Closed Session the following Resolution:

Resolution No. 10-21 Approving And Authorizing Execution Of A Settlement Agreement And Release With Respect To Certain Released Claims At The North Port Of Oakland Refuse Disposal Site With Waste Management Of Alameda County, Inc. For Itself And As Successor To Oakland Scavenger Company, The City Of Alameda, And The City Of Oakland.

PRESIDENT'S REPORT

Sanjiv Handa addressed the Board on the President's Report.

STRATEGIC PLANNING

Dr. Lande Ajose, of BTW Informing Change, facilitated a discussion of the five-year Strategic Plan.

Steve Lowe addressed the Board on the Strategic Plan.

Aviation

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

A-1 Resolution No. 10-22 *The Board of Port Commissioners will be asked to make a determination that the following matter (A-1) is urgent. Upon a determination by a two-thirds vote of the members, or, if less than two-thirds of the members are present, a unanimous vote of those present, that there is 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 is required to avoid a substantial adverse impact that would occur if the action were deferred to a subsequent Special or Regular Meeting, the Board will hear the following matter in Open Session.*

Ratification of Submittal of Grant Application and Acceptance of the Federal Aviation Administration (FAA) Grant Offer of \$2,507,453.

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

OPERATIONS

Administration

*A Motion to approve Item O-1 was made by Vice-President **Head** and seconded by Commissioner **Gonzales**.*

- O-1 Ordinance No. 4123** Adoption of an Ordinance to Revise Port Ordinance No. 2832 to Allow Schools Meeting Certain Conditions to Occupy the Business Park.

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

APPROVAL OF THE MINUTES

*A Motion to approve the Minutes for February 16, 2010 and March 2, 2010 was made by Vice-President **Head** and seconded by Commissioner **Calloway**.*

The minutes were passed by unanimous consent.

SUMMARY ITEMS

Action by the Board under "Summary Items" means that all matters listed below have been summarized, and are considered to be perfunctory in nature, and will be adopted by one motion and appropriate vote. Summary Items may be removed from the summary for discussion at the pleasure of the Board.

Ordinances For Second And Final Reading

*A Motion to approve Item S-1 through S-4 was made by Vice-President **Head** and seconded by Vice-President **Gordon**.*

- S-1 Port Ordinance No. 4122** An Ordinance Adding 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)

Building Permits

- S-2 Resolution No. 10-23 Evergreen / PG&E**; 5190 Seventh Street, Berths 35-37: Installation of electric service to provide crane power at Berths 35-37. Work includes installation of underground conduit and electrical equipment by PG&E to serve the new cranes that will be delivered later this year, referenced in the Board approval of January 11, 2010. The work does not include upgrades to the bus connection or other facilities to be completed by Evergreen, which will be subject to separate permit approval. The project has been determined to be Cat Ex. pursuant to CEQA Guidelines Section 15302, replacement or

reconstruction of existing structures to be located on the same site with the same purpose and capacity.

S-3 Resolution No. 10-24 1 Fed Ex; Sally Ride Way: Construction of seismic bracing for mechanical systems inside the Metroplex (sort) building. The work includes some modifications of mechanical systems, and exterior work to install a gas shut-off valve. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301.

S-4 Resolution No. 10-25 UFood Grill; 1 Airport Drive, Terminal 1, Building #M103: Tenant improvements in an existing space (E2) in Terminal 1, opposite Gate 8, which is currently unimproved. The work includes installation of new partition and demising walls, flooring, kitchen and service equipment, cabinetry, lighting, signage, and furniture for the new restaurant. 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 15303.

*The Motion to approve Items S-1 through S-4 passed by the following votes: (6) Ayes: Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff** and President **Uno**; (1) Excused: Commissioner **Lighty***

OPEN FORUM

There were no speakers in Open Forum.

ADJOURNMENT

There being no additional business the Meeting was adjourned at 8:03 pm...

John Betterton, Secretary

Date