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Executive Director

**DAVID L. ALEXANDER**  
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**VICTOR UNO**  
President

**JAMES W. HEAD**  
First Vice-President

**MARGARET GORDON**  
Second Vice-President

**PAMELA CALLOWAY**  
Commissioner

**GILDA GONZALES**  
Commissioner

**KENNETH KATZOFF**  
Commissioner

**MICHAEL LIGHTY**  
Commissioner

## MINUTES

### Meeting of the Board of Port Commissioners

Tuesday April 6, 2010 – 2:00 p. m.

Board Room – 2<sup>nd</sup> Floor

#### ROLL CALL

President **Uno** called the Regular Meeting of the Board to order at 2:10 p.m., and the following Commissioners were in attendance:

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

Commissioner **Katzoff** - was Excused

#### CLOSED SESSION

President Uno called the Closed Session to order at 2:11 p.m. to hear the following:

1. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.** Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 8 matter(s)
2. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION.** Significant exposure to litigation pursuant to subdivision (b) of California Government Code Section 54956.9: 2 matter(s).
3. **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 55-56  
**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

**Property:** Joint Intermodal Terminals  
**Negotiating Parties:** Port of Oakland and Burlington Northern Santa Fe  
**Agency Negotiator:** Director of Maritime, James Kwon  
**Under Negotiation:** Price and Terms of Payment

4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.** Significant exposure to litigation pursuant to subdivision (b) of California Government Code 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*

5. **PUBLIC EMPLOYEE APPOINTMENT** Title: Director of Aviation
6. **EMPLOYEE PERFORMANCE EVALUATIONS** Titles: Executive Director, Port Attorney, Board Secretary & Port Auditor.

## ROLL CALL

President **Uno** reconvened the Meeting in Open Session at 5:00 p.m., and the following Commissioners were in attendance:

Commissioner **Calloway**, Commissioner, **Gonzales**, 2<sup>nd</sup> Vice-President **Gordon**, 1<sup>st</sup> Vice-President **Head**, Commissioner **Katzoff**, Commissioner **Lighty**, and President **Uno**.

## CLOSED SESSION REPORT

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

**Resolution No. 10-26** Resolution approving engagement of outside counsel and authorizing the filling of an action, as necessary, against Cleanair Logix, Inc.

**Resolution No. 10-27** Resolution authorizing and approving appointment of special counsel.

## PRESIDENT'S REPORT

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

## EXECUTIVE DIRECTOR'S REPORT

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

## AVIATION

Vice-President **Head** gave an account of the March 29<sup>th</sup> Aviation Committee Meeting.

- A-1** Acting Director of Aviation, Deborah Ale-Flint gave an Industry Overview of Aviation for Strategic Planning Purposes.

## MARITIME

In the interest of time all of the Maritime Items except M-7 where pulled.

- M-1** **PULLED** ~~Informational Report on an Industry Overview of Maritime for Strategic Planning Purposes.~~
- M-2** **PULLED** ~~Maritime Director's Report on Current Activities~~
- M-3** **PULLED** ~~Monthly Update on FY 2009-2010 Financial Results for Maritime Division~~
- M-4** **PULLED** ~~Monthly update on Wharfinger Operations~~
- M-5** **PULLED** ~~The Maritime Air Quality Improvement Plan (MAQIP) Monthly Update Status~~
- M-6** **PULLED** ~~Authorizing Disposal 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 \$90,825~~

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

- M-7** **Resolution No. 10-28** Resolution to Approve Amendment #1 to the Amended and Restated Memorandum of Agreement for Oakland Army Base Among the Port of Oakland, City of Oakland, and the Redevelopment Agency of the City of Oakland.

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

## COMMERCIAL REAL ESTATE

Commissioner **Gonzales** gave an account of the March 17<sup>th</sup> Commercial Real Estate Committee. She reported that the Committee had approved for forwarding to the Board Item C-1.

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

- C-1** **Ordinance No. 4124** Approval of a Third Supplemental Agreement to Lease with DASL LLC to Provide Two 5 Year Options to Extend their Lease at the Premises Located at 101 Clay Street, Oakland, CA

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

## OPERATIONS

Vice-President **Head** gave an account of the March 16<sup>th</sup> Executive Committee Meeting.

## ADMINISTRATION

Commissioner **Lighty** gave an account of the March 23<sup>rd</sup> Administration Committee Meeting. He reported that the Committee had recommended for forwarding to the full Board Items O-1 and O-4 through O-7.

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

- O-1** **Resolution No. 10-29** Appointment of Director Aviation (\$16,092 per month, plus fringe benefits)

*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 **Lighty** and President **Uno**; (1) Excused: Commissioner **Katzoff***

- O-2** **PULLED** Extension of the Eligible List for Port Electrician from May 15, 2010 through May 15, 2011. (\$0)

- O-3** **PULLED** Extension of the Eligible List for Senior Engineering Assistant from May 27, 2010 through May 27, 2011 (\$0)

*A Motion to approve Item O-4 through O-7 was made by Commissioner **Lighty** and seconded by Vice-President **Head**.*

- O-4** **Resolution No. 10-30** Authorization for Executive Director to enter into Third Supplemental Agreement with CorVel HealthCare Corporation, a wholly owned subsidiary of CorVel Corporation to Provide Workers' Compensation Medical Bill Review Service and Utilization Review Service, for an amount not to exceed \$150,000

- O-5** **Resolution No. 10-31** 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)

- O-6** **Resolution No. 10-32** (1) Approval of Draft Project Manual for Performing Emergency Spill Response and Handling Hazardous and Contaminated Materials at Port of Oakland Maritime and Aviation Construction Sites for the Period Commencing July 1, 2010 and Ending June 30, 2011, 2012, or 2013, Oakland, California; (2) Authorization for the Director of Environmental Programs & Planning to Approve Final Project Manual; and (3) Authorization for the Executive Director to Award Contract to the Lowest Responsible Responsive Bidder, in the Estimated Annual Amount of \$500,000/year
- O-7** **Resolution No. 10-33** Resolution Ratifying, Confirming, and Approving the Port's Execution of an Oil Spill Response Equipment Grant Agreement with the California Department of Fish and Game and the Receipt of a Trailer Containing Oil Spill Containment and Clean-up Equipment Valued at \$26,000 (Grant Agreement No. PO875063)

*The Motion to approve Items O-4 through O-7 passed by the following votes: (6) Ayes: Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Lighty** and President **Uno**; (1) Excused: Commissioner **Katzoff***

#### **AUDIT BUDGET & FINANCE**

Commissioner **Calloway** gave an account of the March 24<sup>th</sup> Audit Budget & Finance Committee Meeting.

At the recommendation of the Executive Director Item O-8 was pulled.

- O-8** **PULLED** Approval of the First Supplemental Agreement to the Audit Contract with Macias Gini & O'Connell LLP and Kevin W. Harper, CPA to perform Audit Services.

#### **APPROVAL OF THE MINUTES**

*A Motion to approve the Minutes for March 16, 2010 was made by Commissioner **Gonzales** and seconded by Commissioner **Calloway**.*

#### **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 and S-2 was made by Commissioner **Gonzales** and seconded by Vice-President **Head**.*

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

**BUILDING PERMITS**

- S-2**      **Resolution No. 10-34 TraPac, Inc.** 2800 Seventh Street, Berth 30: Installation of 6 concrete pedestals with gate arm actuators. The work is in conjunction with the Port's work to install new queue lanes for the terminal. The project has been determined to be Cat Ex. pursuant to CEQA Guidelines Section 15303 (e) & 15304 (8).

*The Motion to approve Items S-1 and S-2 passed by the following votes: (6) Ayes: Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Lighty** and President **Uno**; (1) Excused: Commissioner **Katzoff***

**Informational Reports**

- S-3**      Update On Legislative Advocacy, Funding Status And Process For Reporting.

**OPEN FORUM**

Sanjiv Handa and Bill Aboudi addressed the Board in Open Forum.

2<sup>nd</sup> Closed Session

**ADJOURNMENT**

*There being no additional business the Meeting was adjourned at 7:22 p.m.*

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**John Betterton, Secretary**

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**Date**