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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 May 4, 2010 – 2:00 p. m.

Board Room – 2nd Floor

ROLL CALL

President **Uno** called the Regular Meeting of the Board to order at 2:02 p.m., and the following Commissioners were in attendance:

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

CLOSED SESSION (approximately 2:00 – 4:00 p.m.)

President Uno called the Closed Session to order at 2:03 p.m. to hear the following:

- 1. 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
- 2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:**
5 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 55-59
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

4. **PULLED PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**

5. EMPLOYEE PERFORMANCE EVALUATIONS

Titles: Executive Director, Port Attorney, Board Secretary & Port Auditor.

ROLL CALL

President **Uno** reconvened the Meeting in Open Session at 5:18 p.m., and the following Commissioners were in attendance:

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

CLOSED SESSION REPORT

The Port Attorney reported that the Board had agreed to apply for 1B funds through the Air District (see Item M-2).

AVIATION

Vice-President **Head** gave an account of the April 26th Aviation Committee Meeting. He reported that the Committee had recommended for forwarding to the full Board items A-1 through A-4.

*A Motion to approve Items A-1 through A-4 was made by Vice-President **Head** and seconded by Commissioner **Gonzales**.*

- A-1** **Ordinance No. 4125** Approval to Amend Port Ordinance 4091 (Airport Rules and Regulations) Schedule A and Schedule B to Revise Alternative Fuel and Maximum Vehicle Age Requirements for Taxicabs and All Other Ground Transportation Operators.

Dorothy Adams, Ahmad Huyat, Wahid Aslami addressed the Board on Item A-1.

*The Motion to approve Item A-1 passed by the following votes: (5) Ayes: Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Head**, Commissioner **Katzoff** and President **Uno**; (2) Noes: Vice-President **Gordon**, and Commissioner **Lighty***

- A-2** **Ordinance No. 4126** First Reading of Ordinance Establishing Minimum Standards for Providers of Aeronautical Services and Self Fueling at the North Field (Oakland International Airport).

- A-3** **Resolution No. 10-35** Approval to Negotiate and Execute Additional Option Work with Turner Construction Company in Conjunction with the Renovation of Terminal 1, OIA, in an Amount Disclosed to the Board of Port Commissioners

- A-4** **Resolution No. 10-36** (1) Approval of Draft Plans and Project Manual for the Rehabilitation of High-Speed Taxiways Y and V, South Field, Oakland International Airport, Oakland, California, AIP-3-06-0170-(Future); (2) Authorization for the Director of Engineering to Approve Final Plans and Project Manual; and (3) Authorization to Advertise for Bids; and (4) Extension of Time to Award the Contract to a Total of Ninety (90) Days after Bid Opening

*The Motion to approve Items A-2 through A-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***

COMMERCIAL REAL ESTATE

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

- C-1** **Resolution No. 10-37** Approval of an Amendment to the License and Concession Agreement with the Association for the Preservation of the Presidential Yacht Potomac to Authorize a One Time Contribution, Not-to-Exceed \$25,000.00, to Purchase Excess Liability Coverage.

*The Motion to approve Item C-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 April 15th Maritime Committee Meeting. She reported that the Committee had recommended for forwarding to the full Board item M-2.

*A Motion to approve Item M-2 was made by Commissioner **Calloway** and seconded by Commissioner **Head**.*

- M-1** **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 \$95,825.

Mr. Breen Daniel, representing Executive Officer Jack Broadbent of the Bay Area Air Quality Management District addressed the Board in support of Item M-2.

- M-2** **Resolution No. 10-38** Authorize the Executive Director to (a) apply for Proposition 1B grants for implementation of shore power at the Port of Oakland, (b) execute a local agency project grant agreement with the California Air Resources Board, (c) approve the grant equipment project list as applicable, (d) execute an equipment project contract with the equipment owner as applicable, (e) sign grant expenditure requests and/or delegate signature authority to others as applicable.

*The Motion to approve Item M-2 passed by the following votes: (7) Ayes: Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff**, Commissioner **Lighty** and President **Uno***

OPERATIONS

ADMINISTRATION

Commissioner **Lighty** gave an account of the April 27th Administration Committee Meeting. He reported that the Committee had recommended for forwarding to the full Board Items O-1 and O-2.

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

- O-1** Approval and Adoption of Port of Oakland Sewer System Management Plan (SSMP) As Required by the State Water Resources Control Board Order No. 2006-0003 (\$0).
- O-2** **Resolution Nos. 10-39, 10-40, 10-41, 10-42, 10-43, 10-44, 10-45, 10-46, 10-47, 10-48, 10-49, 10-50, 10-51, 10-52, & 10-53** Authorization for the Executive Director to (1) Reduce the Maximum Expenditure Limits of Existing On-Call Contracts by the Total Amount of \$28,590,000; (2) Extend the Term of Various Existing On-Call Contracts; and (3) Execute Various On-Call Contracts as Replacements for Expired or Soon to Be Expired Contracts for a Total Amount Not to Exceed \$9,995,000.

*The Motion to approve Items O-1 and O-2 passed by the following votes: (7) Ayes: Commissioner **Calloway**, Commissioner **Gonzales**, Vice-President **Gordon**, Vice-President **Head**, Commissioner **Katzoff**, Commissioner **Lighty** and President **Uno***

- O-3** **PULLED** ~~(1) Adopt Findings as a Responsible Agency Under CEQA; (2) Authorize the Executive Director to Approve and Execute The Lodi Energy Center Power Sales Agreement and The Project Management and Operation Agreement; and (3) Authorize the Executive Director to Designate Representatives to the Lodi Energy Center Project Participant Committee.~~

AUDIT BUDGET & FINANCE

- O-4** **PULLED** ~~Authority to Renew Port of Oakland Insurance Policies and Port Insurance Program in an amount Not to Exceed \$3,650,000.~~

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 M-1 was made by Vice-President **Head** and seconded by Commissioner **Calloway**.*

- S-1** **Ordinance No. 4124** Ordinance approving and authorizing execution of an amendment to lease with DASL LLC.

*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***

OPEN FORUM

There were no speakers in Open Forum.

ADJOURNMENT

There being no additional business, the Meeting was adjourned at 6:03 pm. in memory of West Virginia Miners who lost their lives at the Upper Big Branch Mine and the people of middle Tennessee who had lost there lives in flooding and severe weather.

John Betterton, Secretary

Date