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PAMELA CALLOWAY
First Vice-President

GILDA GONZALES
Second Vice-President

MARGARET GORDON
Commissioner

KENNETH KATZOFF
Commissioner

MICHAEL LIGHTY
Commissioner

VICTOR UNO
Commissioner

MINUTES

Regular Meeting of the Board of Port Commissioners

Tuesday September 7, 2010 – 2:00 p.m.

Board Room – 2nd Floor

ROLL CALL

President **Head** called the Regular Meeting of the Board to order at 2:05 p.m., and the following Commissioners were in attendance:

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

1. CLOSED SESSION

President **Head** convened the Closed Session at 2:07 p.m. to hear the following:

1.1 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

Timothy Vest and Caroline Vest v. Allied Packing and Supply, et al.; Alameda County Superior Court No.: RG09489518

1.2 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 10 matter(s)

1.3 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

1.4 CONFERENCE WITH LABOR NEGOTIATIONS- Pursuant to Subdivision (f) of Section 54957.6.

Agency Designated Representative: Marsha Peterson
Employee Organizations: International Brotherhood of Electrical Workers (IBEW Local 1245), International Federation of Professional and Technical Engineers (IFPTE Local 21), Service Employees International Union (SEIU Local 1021), and Western Council of Engineers (WCE)

ROLL CALL/OPEN SESSION

President **Head** reconvened the Board in Open Session at 3:50 p.m., and the following Commissioners were in attendance:

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

Commissioner **Katzoff** left the meeting at 3:30.

CLOSED SESSION REPORT

The Port Attorney reported that the Board had taken no reportable actions in Closed Session.

2. MAJOR PROJECTS

2.1 Aviation Director, Deborah Ale-Flint reported on Runway Safety Areas (RSA) Improvement Projects.

3. BUDGET & FINANCE

There were no items to report under Budget and Finance.

4. STRATEGY & POLICY

- 4.1 Director of Environmental Programs & Planning, Richard Sinkoff, gave a report on the Strategic Plan FY (Fiscal Years) 2011-2015, and methodologies used for ranking priorities.

Steve Lowe addressed the Board on Item 4.1.

Commissioner **Katzoff**, rejoined the meeting at 4:28 P.M.

5. CONSENT ITEMS

Omar Benjamin requested that the Board move Item 5.12 to the list of Remaining Action Items.

Vice-President **Calloway** requested that Items 5.3, 5.5, 5.6 and 5.9 be moved to the list of Remaining Action Items.

*A Motion to approve the remaining Consent Items was made by Vice-President **Gonzales** and seconded by Vice-President **Calloway**.*

- 5.1 **Resolution No. 10-110** Agreement with Sundance Air Services, Inc. for Aircraft Storage and Maintenance with a Monthly Rental of \$1,755 at the North Airport, Oakland International Airport **(Aviation)**
- 5.2 **Ordinance No. 4134** Approval of Amendment to Lease with the Federal Aviation Administration to Add 0.96± Acre to the Premises for the New Air Traffic Control Tower **(Aviation)**
- 5.4 **Resolution No. 10-112** Authorization to Donate and/or Recycle 549 Pieces of Computer Hardware.
(Aviation)
- 5.7 **Resolution No. 10-114** Approval of Lease Agreement Reassignment from Bay Area Seafarers Service to Seamen's Church Institute of New York and New Jersey.
(Maritime)
- 5.8 **Resolution No. 10-115** Authorization for the Executive Director to reallocate approved spending limits between consulting firms for Enterprise Resource Planning related activities. **(Finance)**
- 5.10 **Resolution No. 10-117** Approval of Employee's Reappointment of Employee ID Number 400036 to Former Classification of Custodian, and Pay Rate of \$4835 Per Month Prior to Reassignment to the PETA Program. **(Administration)**
- 5.11 **Resolution No. 10-118** Approval of Participation of Employee ID Number 400472 in the Permanent Employees on Temporary Assignment (PETA) Program.
(Administration)

5.13 Report of Appointments, Terminations and Leaves of Absence for the Quarter Ended June 30, 2010. **(Administration)**

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

6. REMAINING ACTION ITEMS

*A Motion to approve Item 5.3 was made by Vice-President **Gonzales** and seconded by Vice-President **Calloway**...*

5.3 **Resolution No. 10-111** Approval of a Supplemental Agreement with Ultra Electronic Airport Systems, Inc. to Provide 2nd Level Maintenance Support for the Multi-User Flight Information Display System and Airport Operations Database at the Oakland International Airport. **(Aviation)**

*The Motion to approve Item 5.3 passed by the following votes: (7) Ayes: 1st Vice President **Calloway**, 2nd Vice-President **Gonzales**, Commissioner **Gordon**, Commissioner **Katzoff**, Commissioner **Lighty**, Commissioner **Uno** and President **Head**.*

*A Motion to approve Item 5.5 was made by Vice-President **Calloway** and seconded by Vice-President **Gonzales**.*

5.5 **Ordinance No. 4135** Amendment to Extend for an Another 3 Years the Airline Operating Agreement at The Airport. **(Aviation)**

*The Motion to approve Item 5.5 passed by the following votes: (7) Ayes: 1st Vice President **Calloway**, 2nd Vice-President **Gonzales**, Commissioner **Gordon**, Commissioner **Katzoff**, Commissioner **Lighty**, Commissioner **Uno** and President **Head**.*

*A Motion to approve Item 5.6 was made by Commissioner **Katzoff** and seconded by Vice-President **Calloway**.*

5.6 **Resolution No. 10-113** Authorization to Issue a Contract Change Order to the Rigging and Repair Contract for the Port-Owned Container Cranes to Include Spot Painting, and Increase the Annual Expenditure Limit for Rigging and Repair Contract by \$250,000 **(Engineering/Maritime)**

*The Motion to approve Item 5.6 passed by the following votes: (7) Ayes: 1st Vice President **Calloway**, 2nd Vice-President **Gonzales**, Commissioner **Gordon**, Commissioner **Katzoff**, Commissioner **Lighty**, Commissioner **Uno** and President **Head**.*

A Motion to approve Item 5.9 was made by Commissioner **Katzoff** and seconded by Commissioner **Lighty**.

The Motion to approve Item 5.9 failed by the following votes: **(3) Ayes:** Commissioner **Katzoff**, Commissioner **Lighty** and President **Head**; **(4) Noes:** 1st Vice President **Calloway**, 2nd Vice-President, **Gonzales**, Commissioner **Gordon**, Commissioner **Uno**.

A Motion to approve Item 5.9 (as amended to reflect a Supplemental Agreement not to exceed 1 year) was made by Vice-President **Calloway** and seconded by Vice-President **Gonzales**.

5.9 Resolution No. 10-116 Approval to Enter Into Second Supplemental Agreement for Employee Insurance Benefits Brokerage Services (**Administration**)

The Motion to approve Item 5.9 passed by the following votes: **(5) Ayes:** 1st Vice President **Calloway**, 2nd Vice-President **Gonzales**, Commissioner **Gordon**, Commissioner **Uno** and President **Head**; **(2) Abstain:** Commissioner **Katzoff**, Commissioner **Lighty**.

A Motion to approve Item 5.12 was made by Commissioner **Katzoff** and seconded by Commissioner **Lighty** (Vice-President **Gonzales** offered a friendly Amendment, accepted by the makes of the Motion, to require quarterly reporting to the Board of all complaints)

5.12 Resolution No. 10-119 Establishment of Whistleblower Hotline Program (**Administration**)

The Motion to approve Item 5.12 passed by the following votes: **(7) Ayes:** 1st Vice President **Calloway**, 2nd Vice-President **Gonzales**, Commissioner **Gordon**, Commissioner **Katzoff**, Commissioner **Lighty**, Commissioner **Uno** and President **Head**.

A Motion to approve Item 6.1 was made by Vice-President **Calloway** and seconded by Vice-President **Gonzales**.

6.1 Resolution No. 10-120 Authorization to Award Contract to 2Plus2 Partners, Inc. to Provide Website Migration, Maintenance, and Consulting Services (**Finance**)

The Motion to approve Item 5.12 passed by the following votes: **(7) Ayes:** 1st Vice President **Calloway**, 2nd Vice-President **Gonzales**, Commissioner **Gordon**, Commissioner **Katzoff**, Commissioner **Lighty**, Commissioner **Uno** and President **Head**.

7. UPDATES/ANNOUNCEMENTS

There were no updates or announcements.

8. SCHEDULING

The Board announced that they would not be meeting on November 2nd in observance of Election Day.

9. APPROVAL OF THE MINUTES

9.1 *On A Motion by Commissioner **Lighty**, Seconded By Vice-President **Calloway**, the Board unanimously approved the Minutes of the Special Meeting of August 2, 2010*

OPEN FORUM

Lucy Oh and Mario Muñoz addressed the Board in Open Forum.

ADJOURNMENT

There being no additional business the Board adjourned at 5:13 p.m.

John Betterton, Secretary

Date