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Commissioner

GILDA GONZALES
Commissioner

KENNETH KATZOFF
Commissioner

MICHAEL LIGHTY
Commissioner

MINUTES

Meeting of the Board of Port Commissioners

Tuesday July 6, 2010 – 2:00 p. m.

Board Room – 2nd Floor

ROLL CALL

President **Uno** called the Regular Meeting of the Board to order at 2:08 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

President **Uno** called the Closed Session to order at 2:10 p.m. to hear the following:

- A. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.** Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 1 matter.
- B. **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

Terry Smith and Millie Cleveland spoke in Closed Session.

- C. **Public Employee Discipline/Dismissal/Release** Pursuant to Government Code Section 54957 (2 matters)
- D. **Conference With Labor Relations Advisor** Pursuant to Subdivision (f) of Section 54957.6

Employee Organizations: Western Council of Engineers (WCE) and International Federation of Professional and Technical Engineers, Local 21 Letter of Understandings; Western Council Engineers (WEC) 2 year contract.

ROLL CALL/OPEN SESSION

President **Uno** reconvened the Meeting in Open Session at 4:24 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 taken no final actions in Closed Session.

BUDGET & FINANCE

Chief Executive Officer Sara Lee gave a brief Financial Update.

Alex Tonnisson addressed the Board on the Financial Update.

STRATEGY & POLICY

Director of Environmental Programs and Planning, Richard Sinkoff, gave a report on the Strategic Plan.

ACTION ITEMS

*A Motion to approve Items 1 & 2 was made by Vice-President **Head** and seconded by Commissioner **Calloway**.*

1. **Resolution Nos. 10-79, 10-81, 10-82, 10-83, 10-84, 10-85 & 10-86** Ratification of Submittal of Grant Applications to the Federal Aviation Administration (FAA), Authorization to Accept the Grant Offers, and Authorization to Execute Change Orders and Award Various Contracts Funded by Said Grant Offers (**Aviation**)
2. **Ordinance No. 4129** Proposed FY2011 Airline Landing Fees and Tenant Terminal Space Rentals (Various Amounts). (**Aviation**)

*The Motion to approve Items 1& 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***

*A Motion to approve Item 3 was made by Commissioner **Gonzales** and seconded by Commissioner **Calloway**.*

3. **Resolution No. 10-85** Approval of an Amendment to the Ground Lease for Pavilion 2 in Jack London Square (**Commercial Real Estate**)

*The Motion to approve Item 3 passed by the following votes: (6) **Ayes:** Commissioner*

Calloway, Commissioner Gonzales, Vice-President Gordon, Vice-President Head, Commissioner Katzoff, and Commissioner Lighty (1) Recused: President Uno

Item 4 was moved to the July 20th Agenda

4. ~~Resolution Nos. 10-86 & 10-87~~ Approval of Supplemental Consultant Service Agreements to Complete Hazardous Materials Remediation at the Oakland Army Base ~~(Maritime)~~

*A Motion to approve Items 5 & 6 was made by Commissioner **Gonzales** and seconded by Vice-President **Head**.*

5. **Resolution No. 10-88** Public Employee Discipline/Dismissal/Release (1 of 2) **(Administration)**
6. **Resolution No. 10-89** Public Employee Discipline/Dismissal/Release (2 of 2) **(Administration)**

*The Motion to approve Items 5 & 6 passed by the following votes: **(6) Ayes:** Commissioner **Calloway, Commissioner Gonzales, Vice-President Head, Commissioner Katzoff, Commissioner Lighty** and President **Uno** **(1) Abstained:** Vice-President **Gordon***

*A Motion to approve Item 7 was made by Vice-President **Head** and seconded by Commissioner **Gonzales**.*

7. **Resolution No. 10-90** Approval of Employee Participation in the Permanent Employees on Temporary Assignment (PETA) Program; and Temporary Assignment Addition of One (1) Position in the Youth Aide, Class BB (PETA) Classification in the Aviation Division. **(Administration)**

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

*A Motion to approve Item 8 was made by Vice-President **Head** and seconded by Commissioner **Calloway**.*

8. **Resolution No. 10-91** Adoption of the Disadvantaged Business Enterprise (DBE) Federal Fiscal Year 2009-2010 (FFY 09-10) Overall Annual Goal Report to the Federal Aviation Administration (FAA) **(Administration)**

*The Motion to approve Item 8 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***

*A Motion to approve Item 9 was made by Vice-President **Head** and seconded by Commissioner **Calloway**.*

9. **Resolution No. 10-92** Approval of the Memorandum of Understanding between the Port and Western Council of Engineers (WCE) effective July 1, 2009 through June 30, 2011.

(Administration)

The Motion to approve Item 9 passed by the following votes: (7) Ayes: Commissioner Calloway, Commissioner Gonzales, Vice-President Gordon, Vice-President Head, Commissioner Katzoff, Commissioner Lighty and President Uno

A Motion to approve Item 10 was made by Vice-President Head and seconded by Commissioner Calloway.

Ron Brown and Alex Tonnisson addressed the Board on Item 10.

10. **Resolution No. 10-93** Approval of Letter of Understanding between the Port of Oakland and the International Federation of Professional and Technical Engineers, Local 21 and Letter of Understanding between the Port of Oakland and Western Council of Engineers.

(Administration)

The Motion to approve Item 10 passed by the following votes: (7) Ayes: Commissioner Calloway, Commissioner Gonzales, Vice-President Gordon, Vice-President Head, Commissioner Katzoff, Commissioner Lighty and President Uno

A Motion to approve Item 11 was made by Vice-President Head and seconded by Vice-President Gordon.

11. **Resolution No. 10-94** Approval to Amend the Port's Owner Controlled Insurance Program (OCIP) Effective July 14, 2010 **(Finance)**

The Motion to approve Item 11 passed by the following votes: (7) Ayes: Commissioner Calloway, Commissioner Gonzales, Vice-President Gordon, Vice-President Head, Commissioner Katzoff, Commissioner Lighty and President Uno

A Motion to approve Item 12 was made by Commissioner Gonzales and seconded by Commissioner Calloway.

Alex Tonnisson addressed the Board on Item 12.

- 12 **Resolution No. 10-95** Approval of the Annual Operating and Capital Budgets for the Fiscal Year Ending June 30, 2011 **(Finance)**

The Motion to approve Item 12 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

ELECTION OF OFFICERS

*On a Motion by Commissioner **Calloway**, James **Head** was unanimously elected President of the Board.*

*On a Motion by Commissioner **Head**, Pamela **Calloway** was unanimously elected 1st Vice-President of the Board*

*On a Motion by Commissioner **Calloway**, Gilda Gonzales was unanimously elected 2nd Vice-President of the Board.*

OPEN FORUM

There were no speakers in Open Forum.

SECOND CLOSED SESSION

The Board reentered Closed Session at 7:01 p.m. to hear the following item:

E. EMPLOYEE PERFORMANCE EVALUATION - Title: Board Secretary

CLOSED SESSION REPORT

There were no items to report out of Closed Session.

ADJOURNMENT

There being no additional business the Board adjourned at 7:30 p.m.

John Betterton, Secretary

Date