

MARITIME COMMITTEE
MEETING MINUTES
REVISED

Thursday, May 30, 2002
12 noon – 2:00 p.m.
Courtyard Conference Room

Attendees:

Commissioner David Kramer	Vivian O'Neal
Commissioner Patricia Scates (Excused)	Gay Joseph
Commissioner Peter Uribe (Excused)	Sal DiGrande
Tay Yoshitani	Jerry Serventi
John Glover	Michael McMillan
Jerry Bridges	
Joe Wong	

The Maritime Committee meeting was called to order at 12: 05 p.m.

Calendar Items:

Approval of Items for Board Meeting of June 4, 2002.

Five discussion items were reviewed and recommended for consideration to the full Board:

1. Approval of List of Consultants to Provide As-Needed Marine Terminal Yard and Gate Planning and Design at the Port of Oakland. **[Board Item: 23] No questions or discussion, recommended for approval.**
2. Approval of Change Order to Contract for Construction of Berths 57/58 Container Wharf, Fill Middle Harbor Shoreline Park – CDSM Modification. **[Board Item: 24] Engineering Director, Joe Wong, explained the need for additional funding to complete the project. ~~No additional cement has been used on project than initially planned.~~ Original estimate of cement needed was 10,300 tons. The actual amount used was 18,899 tons, 8,559 tons more than estimated.** Approval of this item will give staff room to negotiate with contractor to cover extra cement used to complete project. Recommended for approval.
3. Approval of Second Supplemental Agreement with Liftech Consultants, Inc. for the Design of Berth 59 Wharf – The Cell C Excavation Plan and Other Miscellaneous Extra Work. **[Board Item: 25] Staff explained some of the changes that were added to Berth 59, damage to one of the elements in the project, and unanticipated toxics in the Cell C area, all contributed to delays in the project. Recommended for approval.**
4. Recommendation to Pass a Resolution Approving and Authorizing the Executive Director to Execute a Covenant to Restrict Use of Property, Charles P. Howard Terminal Site. **[Board Item: 21] Environmental Health and Safety Compliance staff, Michael McMillan and visiting consultant, Yane Nordhav of Baseline Environmental were available for questions. Ms. Nordhav explained that DTSC has been waiting for the Port to obtain a deed restriction. Baseline is the Port's consultant who has handled all site investigations and remediation discussions with the DTSC. Commissioner Kramer recommends that we discuss this item with the full Commission during closed session at the June 4th meeting.**
5. Authorization to Solicit Bids for Security Guard Service, Port View Park, Museum Building. **[Board Item: 22] Staff explained the need for security for the Room with a View at Port View Park. Staff also discussed alternatives being researched to use Docents from Oakland Museum. But we want to create bids for future reference in case the alternatives do not work out. Recommended for approval.**

Approval of Items for Board Meeting of June 18, 2002

Two discussion items were reviewed and recommended for consideration to the full Board:

1. Approval of a Second Revision to the Project Description for the Oakland Harbor Navigation Improvement (- 50 Foot) Project and Finding that the Revision Does Not Require Preparation of a Subsequent or Supplemental Environmental Impact Report (EIR).
The port is taking some material currently scheduled to go to Berth 10 and use it to reinforce the dikes in the Delta. No controversial issues associated with this activity. This is good sustainable reuse of the dredge material and has the support of the environmental community.
2. Termination of Contract for Construction of Replacement Crane Spare Parts Building.
Recommended for approval.
3. Ratification of Addenda and Award of Contract for Construction of Berths 55/56 Container Yard, Phase and Site Improvements at Middle Harbor Shoreline Park, Stage 2, Vision 2000.
Recommended for approval.

Information Items:

1. Establishing Criteria for Summary vs. Regular Items. Board Secretary, John Betterton explained that the Port's current practice gives that responsibility to the Secretary of Board to determine a "Regular Item" versus "Summary item". From research on the Sunshine Act and the Brown Act, there is no guidance regarding summary and regular Board items. However, any Commissioner can pull an item. In addition, the public has a right to speak on any item listed. The Port has a policy letter regarding summary items dated 1998. The Administrative Committee is also reviewing the policy. **The Committee would like feedback from the Administrative Committee on the Port's policy for Summary Items.**

Appearances:

1. Sanjiv Handa, East Bay News Service.
Mr. Handa commented on summary versus regular board items in his experience dealing with legislative bodies. He spoke of the State Attorney General conducting a policy workshop held years ago that most legislative bodies in this area adopted. If the item was more than \$100K, it was not categorized as summary. City Council set their rate at \$50k and over items. He also noted that there is an exemption in the Brown Act whereby you can consider something for scheduling during a review meeting, as long as you don't vote on the item.

Items Requiring Closed Session: There were no closed session items. Meeting adjourned at 12:33 p.m.

Next Meeting:

The Committee's next meeting is tentatively scheduled for **Thursday, June 27, 2002, in the Courtyard Conference Room at 12:00p.m.**