

OMAR BENJAMIN
Executive Director

DAVID L. ALEXANDER
Port Attorney

ARNEL ATIENZA
Port Auditor

JOHN T. BETTERTON
Secretary of the Board

PORT OF OAKLAND
BOARD OF PORT COMMISSIONERS
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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

AGENDA

Executive Committee

Tuesday, April 6, 2010 - 1:00 p.m.

6th Floor – Room 619

530 Water Street – Oakland, CA 94607

ROLL CALL

President **Uno**
1st Vice President **Head**
2nd Vice-President **Gordon**

CLOSED SESSION (2:00 p.m.)

- A. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION.** Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 8 matter(s)
- B. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION.** Significant exposure to litigation pursuant to subdivision (b) of California Government Code Section 54956.9: 2 matters.
- C. **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

D. 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

E. EMPLOYEE PERFORMANCE EVALUATIONS

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

OPEN SESSION

REPORT ON CLOSED SESSION

The Port Attorney or Board Secretary will report on any final actions taken in Closed Session.

REVIEW OF BOARD AGENDA

1. Review of April 6, 2010 Agenda for the Regular Meeting of the Board of Port Commissioners. **To view a PDF of the Agenda and Related Materials please visit our website @ http://portofoakland.com/portnyou/cale_boar_01.asp**

OPEN FORUM

The Board will receive public comment on non-agenda items during this time. Please fill out a speaker card and present it to the Secretary of the Board.

ADJOURNMENT

The next Regular Meeting of the Committee will be held on April 20, 2010 at 1:00 p.m.

PUBLIC PARTICIPATION

Disability Related Modifications

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, may submit a written request, electronic request, or telephone request [via the California Relay Service (telephone) for the hearing impaired at (800) 735-2922], to the Secretary of the Board **no later than five working days** prior to the scheduled meeting date.

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Scented Products

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Agenda & Related Materials

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AGENDA

Meeting of the Board of Port Commissioners

Tuesday April 6, 2010 – 2:00 p. m.

Board Room – 2nd Floor

ROLL CALL

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

CLOSED SESSION (2:00 – 4:00 p.m.)

- 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).
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- Negotiating Parties:** Port of Oakland and SSA Terminals, LLC (SSAT) (Howard Terminal)
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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 (4:00 p.m.)

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 or Board Secretary will report on any final actions taken in Closed Session.

PRESIDENT'S REPORT

The President will report on noteworthy events occurring since the last Board Meeting.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director will report on noteworthy events occurring since the last Board Meeting.

AVIATION

March 29th Aviation Committee Report

A-1 Informational Report on an Industry Overview of Aviation for Strategic Planning Purposes.

MARITIME

M-1 Informational Report on an Industry Overview of Maritime for Strategic Planning Purposes.

M-2 Maritime Director's Report on Current Activities

M-3 Monthly Update on FY 2009 -2010 Financial Results for Maritime Division

M-4 Monthly update on Wharfinger Operations

- M-5** The Maritime Air Quality Improvement Plan (MAQIP) Monthly Update Status
- M-6** 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
- M-7** 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.

COMMERCIAL REAL ESTATE

March 17th Commercial Real Estate Committee Report

- C-1** 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

OPERATIONS

March 16th Executive Committee Report

ADMINISTRATION

March 23rd Administration Committee Report

- O-1** Appointment of Director Aviation (\$16,092 per month, plus fringe benefits)
- O-2** Extension of the Eligible List for Port Electrician from May 15, 2010 through May 15, 2011. (\$0)
- O-3** Extension of the Eligible List for Senior Engineering Assistant from May 27, 2010 through May 27, 2011 (\$0)
- O-4** 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** 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** (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 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)

AUDIT BUDGET & FINANCE

March 24th Audit Budget & Finance Committee Report

- O-8** 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

Regular Meeting of March 16, 2010.

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

- 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** **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).

Informational Reports

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

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