Regular Meeting of the Board of Port Commissioners  
Tuesday, July 16, 2002 - 3:00 PM

ROLL CALL

Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe, and President Kiang were present.

OPEN SESSION

President Kiang called the Board into session at 3:12 p.m. Port Attorney David Alexander recommended that the Board enter into Closed Session to discuss the items below.

Commissioner Tagami made a motion seconded by Commissioner Ayers-Johnson that the Board enter into closed session.

The motion carried by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

CLOSED SESSION

45 Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (6 matters)

46 Conference With Legal Counsel – Existing Litigation. Pursuant to subdivision (a) of Section 54956.9: Name of cases:

Port of Oakland v. Mardeco, Inc. et al, United States District Court, Northern District of California Court Case No. C 02 0702 EDL
Vice President Scates recused herself during the discussion of Port of Oakland v. Mardeco, Inc. et al

Building and Construction Trades Council of Alameda Co. (Union) and Davillier-Sloan, Inc./Parsons Construction, Inc. (Employer) (Dollar Rent-a-Car), a Matter of Arbitration, McKay Case No. 02-008

47 Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (c) Section 54956.9 (1 matter)

48 Conference With Real Property Negotiator, as provided under Government Code Section 54956.8, under negotiations:

- Property: Oakland Army Base
  - Negotiating Parties: Port, Oakland Base Reuse Authority, City of Oakland, and Oakland Redevelopment Agency
  - Under Negotiation: Price and Terms of Payment

- Property: 34 Acres on Pardee Drive & Swan Way
  - Negotiating Parties: Port of Oakland and Commercial Real Estate/Aviation
  - Under Negotiation: Price and Terms of Payment

- Property: Selected Locations
  - Negotiating Parties: Port of Oakland and Various Tenants
  - Under Negotiation: Price and Terms of Payment

49 Conference with Labor Negotiator, as provided under Government Code Section 54957.6.

- Agency Negotiator: John Glover
- Employee Organization: Unrepresented and Management Employees

OPEN SESSION

The Board re-entered Open Session at 4:28 p.m.

CLOSED SESSION REPORT

Port Attorney David Alexander reported that the Board had reached consensus on Closed Session Item number 49 (Labor Negotiations) and would take a vote in Open Session on Item 44s related those negotiations. Mr. Alexander reported that Closed Session would need to be continued later in the meeting to finish the remaining items.
PRESIDENT’S REPORT

President Kiang thanked former President Tagami for his leadership on the Board and presented him with a gift of appreciation from the Board. He called on former Vice-President Ayers-Johnson who spoke fondly about Commissioner Tagami’s Presidency, and how much she had enjoyed being part of it.

President Kiang reported that Vice-President Scates had recently been named one of the 75 most Influential Business Women by the SF Business Times.

President Kiang presented a proclamation from Mayor Jerry Brown honoring Airport Volunteers and proclaiming it Airport Volunteers Appreciation Day in Oakland.

EXECUTIVE DIRECTOR’S REPORT

Executive Director Yoshitani reported that the Port had received an award from the Community Health Charities of California for demonstrated enthusiasm and involvement. He reported on the grand opening of a compressed natural gas vehicle station at the airport and the accompanying trade fair which showcased pollution reducing alternatives. He announced the upcoming West Oakland Community Day, on July 20th, where citizens would tour the port facilities and the Hanjin Terminal.

SPECIAL OPEN FORUM

Ninety-eight Public Speakers from the East Bay Alliance for a Sustainable Economy (EBASE) signed up to speak in Open Forum on Measure I (Living Wage).

Commissioner Tagami made a motion to hear five representatives of EBASE prior to the scheduled Open Session to accommodate the group. The Motion was seconded by Commissioner Ayers Johnson and approved by consensus.

The following six people from EBASE spoke: Kirsten Cross, Odus Hall, Damin Woodard, Judy Goff, Pastor Lucy Kolin and Maria Benitez.

COMMITTEE REPORTS

Vice-President John Protopappas reported on the July 3rd Meeting of the Commercial Real Estate Committee. He reported that the Committee had recommended to the full Board the following regular items from the Board Calendar:

19. Recommended Approval of Fiscal Year 02-03 Annual Target Rental Rates for License and Concession Agreements. (Resolution 02228)

20. New License and Concession Agreement with East Bay Regional Park District for Parcel Located at Oakport Street Near 66th Avenue. (Resolution 02229)

A motion to approve the Resolutions was made by Vice-President Protopappas and seconded by Commissioner Uribe.
Vice-President **Patricia Scates** reported on the July 11th meeting of the Audit, Budget & Finance Committee. She stated that the Committee had recommended to the full Board the following items from the Board Calendar:


32. Approval of Issuance of Port of Oakland Revenue Bonds, 2002 Series L and M and Certain Related Actions. (Resolution 02233)

33. Extension of Letter of Credit with Bank of America, N.A. and Morgan Guaranty Trust Company of New York Supporting Up to $150,000,000 of the Port of Oakland’s Commercial Paper Notes, Series D, E and F. (Resolution 02234)

A motion to approve the Resolutions was made by Vice-President Scates and seconded by Vice-President Protopappas.

The motion carried by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe, and President Kiang

Commissioners **Phillip Tagami** and **Darlene Ayers-Johnson** reported on the July 8th Meeting of the Aviation Committee and the continuation of that meeting on July 12th. Commissioner Tagami recused himself from the discussion both at Committee and at the Board Meeting on Items 10 & 11, and Commissioner Ayers-Johnson reported on those two items. Commissioner Tagami on behalf of the Committee recommended the following items to the full Board:

1. Approval to Produce the Oakland International Airport 75th Anniversary Air Show. (Resolution 02216)

3. Authorization to Extend Local Advertising Agreement with Carol H. Williams Advertising for FY2002-03 Budget Period. (Resolution 02217)

4. Ratification of Addendum and Award of Contract for Realignment of Langley Street and Widening of Doolittle Drive, North Field, OIA. (Resolution 02218)

5. Award of Contract for Overlay and Extension of Taxiway C, North Field, OIA. (Resolution 02219)
6. Ratify Addendum, Reject all Bids and Receive New Bids for Aircraft Sound Insulation Program, Phase 2, A.I.P. 3-06-010-26 and Phases 3, 4 & 5, Bay Farm Island, Alameda, California. (Resolution 02220)

7. Authorization to Include Construction of the Electrical Substation for South Airport Tenants in the Port’s Small Business Program, OIA. (Resolution 02221)

9. Ratification of Change Order to Contract for Improvement of Runway and Taxiway Lighting, Marking and Control System, South Field, OIA – Add Control Cables and Repeaters; and Rephasing of Contract Work. (Resolution 02222)

14. Approval and Authorization for Execution of an Amendment to the Relocation Agreement with the East Bay Municipal Utility District for Airport Roadway Project, OIA. (Resolution 02226)

A motion to approve the Resolutions was made by Commissioner Ayers-Johnson and seconded by Vice-President Protopappas.

The motion carried by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe, and President Kiang

SUMMARY ITEMS

A motion was made by Commissioner Tagami and seconded by Vice-President Protopappas to approve the following Summary Items:

15s Authorization to Sign Agreement with the Federal Aviation Administration (FAA) to Install Noise Monitoring System Equipment at their Northern California TRACON Facility. (Resolution 02227)

16s First Reading of Ordinance Approving Additional Signatories to the Airline Operating Agreement and Space/Use Permit at Oakland International Airport. (Ordinance passed to print)

21s Hilton Hotels Corporation Lease Amendment – Revised Legal Description. (Resolution 02230)

22s Approval for Executive Director to Enter into a Memorandum of Understanding with BCDC to Process the Port’s Application for a Seaport Plan Amendment and a Bay Plan Amendment. (Resolution 02231)

39s Authorization to Execute a Supplemental Agreement with O’Rorke Public Relations for Event Planning Services. (Resolution 02237)

40s Authorization to Execute a Supplemental Agreement with Osaki Design for Design Services Related to PortFest 2002. (Resolution 02238)
Approval of Adding Regulatory Compliance Statement to Public Works Project Manuals. (Resolution 02239)

Personnel Item: Termination. (Resolution 02240)

Ratifying Election of Officers. (Resolution 02241)

Personnel Item: Salary Adjustments. (Ordinances to print)

--Final Reading of Port Ordinance No. 3708 "An Ordinance Amending Port Ordinance No. 1606 Formulating and Establishing Conditions and Procedures for Bidding, Contracting, and Purchasing."

The motion carried by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

AIRPORT

2. Authorization to Extend Passenger and Cargo Advertising Agreement with MCA Net, Inc., for FY2002-03 Budget Period. (Resolution 02242)

A motion to approve Resolution 02242 was made by Commissioner Tagami and seconded by Commissioner Ayers Johnson.

The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Scates, Commissioner Tagami, Commissioner Uribe, and President Kiang; (1) Absent: - Vice President Protopappas

10. Approval of Consultant Agreement with VBN for Professional Architectural and Engineering Services for the Terminal 2 Extension Project; Approval to Dispense with Standard Lowest-Sealed-Bid Procedures; and Approval to Issue Request for Proposals for Construction Manager at Risk Delivery of the Terminal 2 Extension Project. (Resolution 02223)

Commissioner Tagami recused himself during discussion on this item.

There were four public speakers on this item: Eli Naor, Il-Kwon Cha, Eddie Dillard and Todd Willis

A motion to reject Resolution 02223 as written and to substitute Carter Burgess for VBN was made by Commissioner Ayers-Johnson and seconded by Commissioner Kramer.

The motion carried by the following votes: (4) Ayes: –Commissioner Ayers-Johnson, Commissioner Kramer, Commissioner Uribe and President Kiang (2) Noes: - Vice President Protopappas and Vice-President Scates (1) Recused: Commissioner Tagami
11. Approval of the Consultant Agreement with Carter Burgess for Professional Architectural and Engineering Services for the Terminal 2 Renovation Project; and Approval to Issue Request for Proposals for Construction Manager at Risk Delivery of the Terminal 2 Renovation Project. (Resolution 02224)

Commissioner Tagami recused himself during discussion on this item.

A motion to reject Resolution 02224 as written and to substitute MWM/ Y.H. Lee for Carter Burgess was made by Commissioner Ayers-Johnson and seconded by Commissioner Kramer.

The motion carried by the following votes: (4) Ayes: - Commissioner Ayers-Johnson, Commissioner Kramer, Commissioner Uribe and President Kiang (2) Noes: - Vice President Protopappas and Vice-President Scates (1) Recused: Commissioner Tagami

12. Approval of the Delivery Method; Approval to Dispense with Standard Lowest-Sealed-Bid Procedures; and Approval to Issue Request for Qualifications for the Master Builder Contract for the Oakland Airport Terminal Expansion Program. (Resolution 02225)

A motion to approve Resolution 02225 was made by Commissioner Ayers-Johnson and seconded by Commissioner Tagami.

The motion carried by the following votes: (7) Ayes: Vice President Protopappas, Vice-President Scates, Commissioner Ayers-Johnson, Commissioner Kramer, Commissioner Tagami, Commissioner Uribe and President Kiang.

OPERATIONS

34. Approval to Extend Port of Oakland Surety Bond and Financing Program. (Resolution 02235)

A motion to approve Resolution 02235 was made by Commissioner Ayers-Johnson and seconded by Commissioner Uribe.

The motion carried by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang.
36. Authorization to Execute a Supplemental Agreement with 2Plus2 Partners for Continuation of Website Management and Consulting Services. (Resolution 02236)

A motion to approve Resolution 02235 was made by Commissioner Ayers-Johnson and seconded by Commissioner Uribe

The motion carried by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang


Dan Westerlin, Special Assistant to the Executive Director, gave a brief report on the Pan Pacific Conference being hosted by the Port of Oakland in October 2002

OPEN FORUM

There were no speakers at Open Forum.

CLOSED SESSION CONTINUED

The Board re-entered closed session to complete remaining items.

ADJOURNMENT

The meeting adjourned for lack of a quorum.

August 6, 2002

John T. Betterton
Secretary of the Board
Regular Meeting of the Board of Port Commissioners
Tuesday, July 2, 2002 - 3:00 PM

ROLL CALL

Vice-President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Uribe, and President Tagami were present.

Commissioner Scates was excused.

OPEN SESSION

President Tagami called the Board into session at 3:05 p.m. Port Attorney, David Alexander recommended that the Board enter into Closed Session to discuss the items below. Additionally, Mr. Alexander suggested that the Board take up an emergency item dealing with anticipated litigation by the City of San Jose against the City of Oakland, et.al.

Commissioner Uribe made a motion seconded by Vice President Ayers-Johnson to hear the item.

The motion carried by the following votes: (6) Ayes: - Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas and Commissioner Uribe and President Tagami; (1) Absent: - Commissioner Scates

CLOSED SESSION

The Board entered into closed session to hear the following items:

40 Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (3 matters)
Conference With Legal Counsel – Existing Litigation. Pursuant to subdivision (c) Section 54956.9: Name of case:


Conference With Real Property Negotiator, as provided under Government Code Section 54956.8, under negotiations:

Property: Oakland Army Base
Negotiating Parties: Port, Oakland Base Reuse Authority, City of Oakland, and Oakland Redevelopment Agency
Under Negotiation: Price and Terms of Payment

Property: 34 Acres on Pardee Drive & Swan Way
Negotiating Parties: Port of Oakland and Commercial Real Estate/Aviation

Conference with Labor Negotiator, as provided under Government Code Section 54957.6.

Agency Negotiator: John Glover
Employee Organization: Unrepresented and Management Employees

Open Session

The Board re-entered Open Session at the hour of 4:12 p.m.

SPECIAL PRESENTATION

Alameda County Supervisor Keith Carson and County Administrator Susan Muranishi presented a Resolution from the County Board of Supervisors congratulating the Port on its 75th Anniversary.

APPROVAL OF MINUTES

The Draft Minutes of the Regular Meeting of June 18, 2002 were approved by consensus and ordered filed.

CLOSED SESSION REPORT

Port Attorney, David Alexander reported that the Board had reached consensus in Closed Session on settlement of claims in the case of Port of Oakland v. GKO Messinger & Associates, Alameda County Superior Court Case No. 824540-7.

A motion to approve Resolution 02214 was made by Vice-President Ayers-Johnson and seconded by Commissioner Kramer.

The motion carried by the following votes: (6) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Uribe and President Tagami; (1) Absent: - Commissioner Scates
Mr. Alexander announced that the Board had approved the appointment of an outside Counsel and necessary experts in a matter involving anticipated litigation.

*A motion to approve Resolution 02215 was made by Vice-President Ayers-Johnson and seconded by Commissioner Kramer.*

*The motion carried by the following votes: (6) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Uribe and President Tagami; (1) Absent: - Commissioner Scates*

**PRESIDENT’S REPORT**

President Tagami reported that the Alameda County Hispanic Chamber of Commerce had presented an award of appreciation to Commissioner Uribe at its recent dinner. Commissioner Kramer presented the award. Commissioner Uribe noted with appreciation the Port’s sponsorship of the dinner.

President Tagami called on Vice-President Ayers-Johnson to report on the recent Airport Minority Business Conference in Atlanta. She reported that President Tagami, Vice-Mayor Larry Reid, Councilwoman-elect Desley Brooks, and other Port Officials had attended the meeting. Vice-Mayor Larry Reid arranged for the group to meet with, former Atlanta Mayor, Maynard Jackson who had been instrumental in assuring minority and local business participation in the building of Atlanta’s Hartsfield airport.

President Tagami directed appropriate staff to work with AMAC to bring the 2005 conference to Oakland.

Vice-President Ayers-Johnson reported on the recent celebration of the Airport’s 75th Anniversary and the dedication of the Hegenberger Road Gateway Project.

**EXECUTIVE DIRECTOR’S REPORT**

Executive Director Tay Yoshitani called on Maritime Director Jerry Bridges and Aviation Director Steve Grossman for a legislative update on security issues.

**COMMITTEE REPORTS**

**A.** Vice-President **Ayers-Johnson** reported on the June 25 Meeting of the Administration Committee

**B.** President **Tagami** reported on the June 28th Meeting of the City/Port Liaison Committee  
*Sanjiv Handa spoke on this item*

**C.** Commissioner **Peter Uribe** reported on the June 27 Meeting of the Maritime Committee
SUMMARY ITEMS

A motion was made by Commissioner John Protopappas and seconded by Commissioner Uribe to approve the following two Summary Items:

34s Testing and Acceptance of Neighborhood Electric Vehicles (NEVs). (Resolution 02205)

Building Permit: Sprint PCS Inc., (Resolution 02207)

The motion carried by the following votes: (6) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Uribe and President Tagami, (1) Absent: - Commissioner Scates

AIRPORT

1. Approval of the 2002 Addendum and Re-Approval of the 1999 Mitigated Negative Declaration for the BAYAIR Corporate Hangar and Fixed Base Operation. (Resolution)

Richard Markuson and Kurt Cooknick spoke on this item

A motion to approve Resolution 02203 was made by Vice-President Ayers-Johnson and seconded by Vice-President Kiang.

The motion carried by the following votes: (6) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Uribe and President Tagami, (1) Absent: - Commissioner Scates

MARITIME


A motion to approve Resolution 02208 was made by Commissioner Uribe and seconded by Commissioner Kramer.

The motion carried by the following votes: (5) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas and Commissioner Uribe, (2) Absent: - Commissioner Scates and President Tagami

A motion to approve Resolution 02209 was made by Commissioner Uribe and seconded by Commissioner Kramer.

The motion carried by the following votes: (5) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas and Commissioner Uribe; (2) Absent: - Commissioner Scates and President Tagami

23. Approval of Change Order to Contract for Construction and Installation of Container Cranes – Remove Container Cranes X441 and X442 from the APL Terminal. (Resolution)

A motion to approve Resolution 02210 was made by Commissioner Uribe and seconded by Commissioner Kramer.

The motion carried by the following votes: (5) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas and Commissioner Uribe; (2) Absent: - Commissioner Scates and President Tagami

24. Authorization to Ratify a Professional Services Agreement with Harris & Associates to Provide Construction Management Services for the Closure of Landfill at the Former Lew F. Galbraith Golf Course. (Resolution)

A motion to approve Resolution 02211 was made by Commissioner Uribe and seconded by Commissioner Kramer.

The motion carried by the following votes: (5) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas and Commissioner Uribe; (2) Absent: - Commissioner Scates and President Tagami

OPERATIONS

31. Establishing Port of Oakland Exterior Lighting Policy. (Resolution)

Jayne Becker and Dr. Mike Reynolds spoke in support of this item.

A motion to approve Resolution 02212 was made by Vice-President Ayers-Johnson and seconded by Commissioner Protopappas.

The motion carried by the following votes: (5) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas and Commissioner Uribe; (1) Absent: - Commissioner Scates and President Tagami

32. Request for Authorization to Negotiate with Information Assets Management System Consultants. (Resolution)
A motion to approve Resolution 02213 was made by Vice-President Ayers-Johnson and seconded by Commissioner Uribe.

The motion carried by the following votes: (5) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas and Commissioner Uribe; (2) Absent: - Commissioner Scates and President Tagami

33. Appointment of Joseph Eichelberry as Director of Administration. (Resolution)

A motion to approve Resolution 02204 was made by Vice-President Ayers-Johnson and seconded by Commissioner Uribe.

The motion carried by the following votes: (6) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Uribe and President Tagami, (1) Absent: - Commissioner Scates

LEGAL

50. Ratifying Write-off of Uncollectable Accounts. (Resolution)

Sanjiv Handa of East Bay News Service spoke on this item.

A motion to approve Resolution 02206 was made by Commissioner Uribe and seconded by Commissioner Kramer.

The motion carried by the following votes: (6) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Uribe and President Tagami; (1) Absent: - Commissioner Scates

51. Bid Protest Procedure. (Ordinance)

Sanjiv Handa of East Bay News Service spoke on this item.

A motion to approve an ordinance to print was made by Vice-President Ayers-Johnson and seconded by Commissioner Uribe

The motion carried by the following votes: (6) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Uribe and President Tagami; (1) Absent: - Commissioner Scates
ELECTION OF OFFICERS

A Motion to consider the election of officers as provided for in the By-Laws was made by Vice-President Ayers-Johnson and seconded by Commissioner Uribe.

The motion carried by consensus.

President Tagami nominated Frank Kiang for President, John Protopappas for First Vice-President, and Patricia Scates for Second Vice-President.

The slate was elected by the following votes: (6) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Uribe and President Tagami; (1) Absent: - Commissioner Scates

OPEN FORUM

Edward Garduno spoke during Open Forum.

ADJOURNMENT

There being no further business, the meeting was adjourned.

August 6, 2002

John T. Betterton
Secretary of the Board
Special Meeting of the Board of Port Commissioners
Tuesday, June 25, 2002 - 5:30 PM

PURPOSE

The President of the Board of Port Commissioners, Phil Tagami called a Special Meeting of the Board of Port Commissioners to consider the Proposed 2002-2003 Budget.

ROLL CALL

Vice-President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Kramer, were present.

President Tagami was excused.

OPEN SESSION

Vice-President Kiang called the Board into session at 5:38. Port Attorney David Alexander requested that the Board hear in Closed Session an item that arose after posting of the Agenda and dealing with the single topic of the Special Session related to potential litigation.

Commissioner Uribe made a motion seconded by Commissioner Scates that the Board hear the item in Closed Session.

The motion was approved by consensus.

OPERATIONS

31. Approval of the 2002-2003 Budget (Resolution)
Joe Wong of the Engineering Division made a presentation to the Board, as did Deputy Executive Director John Glover.

A motion to approve Resolution 02202 was made by Commissioner Protopappas and seconded by Vice-President Ayers-Johnson.

The motion carried by the following votes: (6) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, and Commissioner Uribe (1) Absent: - President Tagami

CLOSED SESSION

The Board entered into Closed Session at 6:32.

ADJOURNMENT

At the hour of 6:40, there being no further business, Vice-President Ayers-Johnson made a motion to adjourn which was seconded by Commissioner Kramer

The motion carried by the following votes: (4) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

July 18, 2002

John T. Betterton
Secretary of the Board
Regular Meeting of the Board of Port Commissioners
Tuesday, June 18, 2002 - 3:00 PM

ROLL CALL

Vice-President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Kramer, and President Tagami were present.

OPEN SESSION

President Tagami called the Board into session at 3:15

SPECIAL PRESENTATION

President Tagami and Executive Director Tay Yoshitani welcomed Scholarship Winners and their guests. Port employee, Sandra Yee introduced each of the winners of the Asian Employees Scholarship and Jon Amdur introduced the Employee Scholarship winners.

Former Executive Director Chuck Foster presented the $5000.00 Charles W. Foster Award to scholarship winner Betty Pham.

APPROVAL OF MINUTES

The Draft Minutes of the Regular Meeting of May 21, 2002 were amended by direction of Commissioner Scates and approved and ordered filed by consensus.

CLOSED SESSION

Port Attorney David Alexander recommended that the Board enter into Closed Session to discuss the following items:
Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (4 matters)

Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (c) Section 54956.9 (1 matter)

Conference With Real Property Negotiator, as provided under Government Code Section 54956.8, under negotiations:

Property: Oakland Army Base
Negotiating Parties: Port, Oakland Base Reuse Authority, City of Oakland, and Oakland Redevelopment Agency
Under Negotiation: Price and Terms of Payment

Property: 34 Acres on Pardee Drive & Swan Way
Negotiating Parties: Port of Oakland and Commercial Real Estate/Aviation

Vice-President Ayers-Johnson made a motion seconded by Commissioner Scates that the Board enter into closed session.

The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

CLOSED SESSION REPORT

The Board reentered Open Session and Port Attorney David Alexander reported that the Board had reached consensus in Closed Session on settlement of claims with Arkwright Mutual Insurance for certain environmental remediation regarding the Ninth Avenue Terminal. (Resolution)

A motion to approve Resolution 02200 was made by Vice-President Ayers-Johnson and seconded by Commissioner Scates.

The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami
EXECUTIVE DIRECTOR'S REPORT

Executive Director Tay Yoshitani reported that the Port had received an 8$ million grant from the Department of Transportation for maritime security. He called on Director of Strategic Planning, Rick Weiderhorn for an update on the completed Lake Merit Feasibility Plan. Bernida Reagan, Director of the Social Responsibility Division and Port Attorney Robert Martinez gave a presentation on the Living Wage Ordinance. The Director of Aviation, Steve Grossman gave a brief report on the 75th anniversary of the Airport. The Director of Communications Harold Jones reported that the final shipment of cranes passed successfully under the bay bridge and where featured nationally in the news.

42 Individuals signed up to speak on enforcement of Measure I (Living Wage). After consultation with President Tagami it was agreed that the following six individuals would speak for the group:

1. Kirsten Cross of the East Bay Alliance for a Sustainable Economy
2. Pastor Ross Merkle of St Paul Lutheran Church
3. Raeann Hernandez, a rental car Worker
4. Judy Goff of the Central Labor Council of Alameda County
5. Agustin Ramirez of the Longshoremen and Warehouse Union Local

Other individuals wishing to speak were encouraged to wait for the Open Forum portion of the meeting.

COMMITTEE REPORTS

Vice-President Frank Kiang reported on the June 13th meeting of the Audit, Budget & Finance Committee

Commissioner John Protopappas reported on the June 5 Meeting of the Commercial Real Estate Committee

SUMMARY ITEMS

A motion was made by Commissioner Uribe and seconded by Commissioner Scates to approve the following Summary Items:

5s Authorize Shuttleport to Use Leased Buses or Additional Non-Port Owned Buses. (Resolution 02192)


23s Authorization to Issue Request for Proposal (RFP) to Perform Maritime Market Segmentation Analysis and to Develop a Maritime Marketing Strategy. (Resolution 02197)
24s Termination of Contract for Construction of Replacement Crane Spare Parts Building. (Resolution 02198)

--Final Reading of Port Ordinance No. 3704 “An Ordinance Amending Section 9 Of Port Ordinance No. 3634 Relating To Charges For Use Of Facilities At Metropolitan Oakland International Airport.”

--Final Reading of Port Ordinance No. 3705 “An Ordinance Approving And Authorizing Execution Of Ground Lease With Gray And Reynolds Properties, Inc.”

--Final Reading of Port Ordinance No. 3706 “An Ordinance Amending Port Ordinance No. 867 Amending Section 2.06, And Adding Section 1.291 Ratifying And Fixing The Compensation Of Certain Employees Of The Port Department.”

--Final Reading of Port Ordinance No. 3703 “An Ordinance Amending Port Ordinance No. 867, Amending Sections 2.01, 8.0631 And Adding Sections 8.47 And 14.5.”

The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

AIRPORT

1. Authorization to Include the Installation of Landscaping, Fencing, and Striping for the Aviation Maintenance Facilities Complex, North Field, OIA, in the Port's Small Business Program. (Resolution)

A motion to approve Resolution 02190 was made by Vice-President Ayers-Johnson and seconded by Vice-President Kiang.

The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

2. Approval of a Consultant Agreement with CCS Planning and Engineering, Inc., to Provide Traffic Transportation Analysis and Signage Study and to Prepare Plans and Specifications for the Fabrication and Placement of Signs at the Oakland Airport. (Resolution)

A motion to approve Resolution 02191 was made by Vice-President Ayers-Johnson and seconded by Vice-President Kiang.

The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner
4. Adoption of a permit parking lot policy at the Metropolitan Oakland International Airport. (Resolution)

Sanjiv Handa of the East Bay News Service spoke against the new policy.

A motion to approve Resolution 02201 was made by Vice-President Ayers-Johnson and seconded by Vice-President Kiang.

The motion carried by the following votes: (6) Ayes: — Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami  (1) No: - Vice President Ayers-Johnson

COMMERCIAL REAL ESTATE

11. Authorization to Execute an Agreement with the State Department of Boating and Waterways for $60,000 in Grant Funding to the Port to be Used for the Abatement of Abandoned Watercraft in the Oakland Estuary. (Resolution)

A motion to approve Resolution 02193 was made by Commissioner Uribe and seconded by Vice-President Ayers-Johnson.

The motion carried by the following votes: (7) Ayes: — Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

MARITIME

21. Recommendation to Approve Suspension and Financial Settlement of China Shipping Container Line’s Terminal Use Agreement at Ben E. Nutter Terminal. (Resolution)

A motion to approve Resolution 02195 was made by Commissioner Uribe and seconded by Commissioner Scates.

The motion carried by the following votes: (7) Ayes: — Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami
22. 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 the Preparation of a Subsequent or Supplemental Environmental Impact Report (EIR). (Resolution)

* A motion to approve Resolution 02196 was made by Vice-President Ayers-Johnson and seconded by Commissioner Kramer.

* The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

**OPERATIONS**

31. Amendment to Non-Discrimination in Small Local Business Utilization Policy for Alternative Project Delivery Methods. (Resolution)

* Paul Elizondo of the Hispanic Contractors spoke on this item

* A motion to approve Resolution 02199 was made by Commissioner Uribe and seconded by Vice-President Ayers-Johnson.

* The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

**OPEN FORUM**

* Sanjiv Handa of East Bay News Service spoke during Open Forum.

**ADJOURNMENT**

* At the hour of 6:50, there being no further business, Vice-President Ayers-Johnson made a motion to adjourn which was seconded by Commissioner Kramer

* The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

* July 5, 2002

John T. Betterton
Secretary of the Board
Regular Meeting of the Board of Port Commissioners
Tuesday, June 4, 2002 - 3:00 PM

ROLL CALL

Vice-President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami were present.

Commissioners Protopappas and Uribe were excused.

CLOSED SESSION

Port Attorney David Alexander recommended that the following matters be discussed in Closed Session:

Conference with legal counsel – existing litigation. Pursuant to subdivision (a) of section 54956.9: Ralph Tornstrom v. Port of Oakland, Workers’ Compensation Appeals Board Case no. Oak 275432 (Resolution 02189)

Conference with legal counsel – anticipated litigation. Significant exposure to litigation pursuant to subdivision (b) of section 54956.9: - 4 matters.

Conference with real property negotiator, as provided Under government code section 54956.8, under negotiations:

Property: Oakland Army Base
Negotiating parties: Port, Oakland Base Reuse Authority, City Of Oakland, and Oakland Redevelopment Agency
Under negotiation: price and terms of payment
Property: Various Parcels, Jack London Square  
Negotiating Parties: Port and Jack London Square Partners  
Under Negotiation: Price and Terms of Payment

Conference with Labor Negotiator, as provided under Government Code Section 54957.6.

Agency Negotiator: John Glover  
Employee Organization: IBEW

*Vice-President Ayers-Johnson made a motion seconded by Commissioner Scates that the Board enter into closed session.

*The motion carried by the following votes: (5) Ayes: - Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (2) Excused: Commissioner Protopappas and Commissioner Uribe*

The Board entered into Closed Session at 3:08

**OPEN SESSION**

The Board reentered Open Session at 4:06 p.m.

**APPROVAL OF MINUTES**

*By consensus the minutes of the Regular Meeting of May 21, 2002 were approved as submitted and ordered.

**CLOSED SESSION REPORT**

Port Attorney David Alexander reported that the Board had reached consensus in closed session on settlement of claims in the Workers’ Compensation Appeals Board Case of Ralph Tornstrom v. Port of Oakland, no. Oak 275432

*A motion to approve Resolution 02189 was made by Vice-President Ayers-Johnson and seconded by Commissioner Kramer.*

*The motion carried by the following votes: (4) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe*

Additionally, Mr. Alexander recommended that the Board reconvene the Closed Session after Open Forum to complete discussion of items on the Closed Session Agenda. *(see below, Closed Session Continued)*

**PRESIDENT’S REPORT**

President Tagami reported on reception held by Mayor Brown on May 28, honoring sponsors of S.F. Planning and Urban Research Association’s (S.P.U.R.) Annual Bay Discovery Cruise. The Port of Oakland was a major sponsor and welcomed the cruise/tour on June 3rd.
EXECUTIVE DIRECTOR'S REPORT

Executive Director Tay Yoshitani gave a brief overview of security measures at the Port. He called on the Director of Aviation, Steve Grossman, to report on Airport security issues and Director of the Maritime Division, Jerry Bridges to report on Maritime security issues.

COMMITTEE REPORTS

Vice-President Darlene Ayers-Johnson reported on the May 28th meeting of the Administration Committee

Vice-President Phil Tagami reported on the June 3rd meeting of the Commercial Real Estate Committee

Commissioner David Kramer reported on the May 30th Meeting of the Commercial Real Estate Committee

SUMMARY ITEMS

A motion was made by Commissioner Kramer and seconded by Commissioner Scates to approve the following Summary Items:

10s. Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Evergreen Aviation Ground Logistics Enterprises, Inc. (#1 Airport Drive, South Airport). (Resolution 02169)

11s. Approval of an Amendment to Port Ordinance No. 3634 to Increase North Field Fees by Current CPI. (Ordinance adopted to print)

12s. Approval of License and Concession Agreement with Cal-Air Aviation Services, Inc. (North Airport). (Resolution 02170)

13s. Approval of Consultant Agreement with Leigh Fisher Associates for Traffic Management Planning for Terminal Expansion Program Construction, Oakland International Airport (#1 Airport Drive, South Airport). (Resolution 02171)

14s. Award of Contract for Construction and Installation of Post Indicator Valves at Building L-820 (Hangar 9), North Airport, OIA. (Resolution 02172)

39s. Adoption of Amendments to Deferred Compensation Plan. (Resolution 02186)


41s. Personnel Items: Creation of Salary Schedules; and Creation of Classifications/Positions. (Ordinance adopted to print)

42s. Travel Authorization. (Resolution 02188)
--Final Reading of Port Ordinance No. 3703, “An Ordinance Approving And Authorizing Execution Of Lease Between The United States Government Department Of Commerce And National Oceanic And Atmospheric Association And The Port Of Oakland, At The Metropolitan Oakland International Airport, Oakland.”

The motion carried by the following votes: (4) Ayes: - Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

AIRPORT

1. Authorization to Approve First Supplemental Agreement with Lochard Corporation in Order to Add New Components to the Airport Noise and Operations Monitoring System. (Resolution)

A motion to approve Resolution 02163 was made by Vice-President Ayers-Johnson and seconded by Commissioner Kramer.

The motion carried by the following votes: (4) Ayes: - Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

3. Approval to Dispense with Standard Bidding Procedures for Foundation and Structural Systems for the Explosives Detection System (EDS) Structure, Terminal 2, OIA, to Meet the Urgent Security Requirements of Outbound Baggage Screening. (Resolution)

A motion to approve Resolution 02164 was made by Vice-President Ayers-Johnson and seconded by Commissioner Kramer.

The motion carried by the following votes: (4) Ayes: - Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

4. Recommendation to Accept the 2002 Addendum and Re-Approve of the 1999 Mitigated Negative Declaration for the BAYAIR Corporate Hangar and Fixed Base Operation. (Motion)

A motion to close the hearing was made by Vice-President Ayers-Johnson and seconded by Commissioner Scates.

The motion carried by the following votes: (4) Ayes: - Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe
A motion to continue the item to the Board Meeting of June 18th was made by Vice-President Ayers-Johnson and seconded by Commissioner Kramer.

The motion carried by the following votes: (4) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

6. Approval of Supplemental Agreement with Environ International Corporation for Environmental Consulting Services. (Resolution)

A motion to approve Resolution 02165 was made by Vice-President Ayers-Johnson and seconded by Commissioner Scates.

The motion carried by the following votes: (4) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

7. Approval to Provide the East Bay Regional Park District Additional Funds for Monitoring the Arrowhead Marsh Restoration Site. (Resolution)

A motion to approve Resolution 02166 was made by Vice-President Ayers-Johnson and seconded by Commissioner Scates.

The motion carried by the following votes: (4) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

8. Approval to Provide the East Bay Regional Park District Additional Funds for Monitoring the Arrowhead Marsh Restoration Site. (Resolution)

A motion to approve Resolution 02167 was made by Commissioner Scates and seconded by Vice-President Ayers-Johnson.

The motion carried by the following votes: (4) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe
9s. Professional Services Contract with Grace Under Pressure Productions for Consulting Services to Coordinate and Plan Events in Conjunction with the 75th Anniversary of Oakland International Airport. (Resolution)

A motion to approve Resolution 02168 was made by President Tagami and seconded by Vice-President Ayers-Johnson.

The motion carried by the following votes: (4) Ayes: — Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

COMMERCIAL REAL ESTATE

16. First Reading of an Ordinance Authorizing the Execution of a Ground Lease with Gray and Reynolds Properties, Inc. for the 1.1 Acre Site Located at 1211 Embarcadero Road. (Ordinance)

Dan Gray of Gray and Reynolds Properties, Inc. spoke in favor of the Ordinance

A motion to adopt the Ordinance to Print was made by Commissioner Kramer and seconded by Commissioner Scates.

The motion carried by the following votes: (4) Ayes: — Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

Dan Gray of Gray and Reynolds Properties Inc. in support of the Ordinance

MARITIME

21. 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. (Resolution)

A motion to approve Resolution 02173 was made by Commissioner Kramer and seconded by Commissioner Scates.

The motion carried by the following votes: (4) Ayes: — Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe
22. Authorization to Solicit Bids to Provide Security Service for Port View Park and the Training Building. (Resolution)

A motion to approve Resolution 02174 was made by Commissioner Scates and seconded by Commissioner Kramer.

The motion carried by the following votes: (4) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

23. Approval of List of Consultants to Provide As-Needed Marine Terminal Yard and Gate Planning and Design at the Port of Oakland. (Resolution)

A motion to approve Resolution 02175 was made by Commissioner Scates and seconded by Commissioner Kramer.

The motion carried by the following votes: (4) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

24. Approval of Change Order to Contract for Construction of Berths 57/58 Container Wharf, Fill and Middle Harbor Shoreline Park – CDSM Modification. (Resolution)

A motion to approve Resolution 02176 was made by Commissioner Kramer and seconded by Commissioner Kramer.

The motion carried by the following votes: (4) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe


A motion to approve Resolution 02177 was made by Commissioner Scates and seconded by Commissioner Kramer.

The motion carried by the following votes: (4) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe
Discussion of the proposed Local Business Utilization Policy

A special motion to hear this non-calendared item was made by Commissioner Scates and seconded by Vice President Ayers-Johnson.

The motion carried by the following votes: (4) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

31. Recommended Approval of California Unified Certification Program. (Resolution)

A motion to approve Resolution 02178 was made by Vice-President Ayers-Johnson and seconded by Commissioner Scates.

The motion carried by the following votes: (4) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

32. Request for Authorization to Negotiate with Information Assets Management System Consultants. (Resolution)

A motion to approve Resolution 02179 was made by Vice-President Ayers-Johnson and seconded by Commissioner Scates.

The motion carried by the following votes: (4) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

33. Publication of Notice of Public Hearing Pursuant to the Requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) Regarding the Port of Oakland’s Financing Program in Connection with its Capital Improvement Program. (Resolution)

A motion to approve Resolution 02180 was made by Vice-President Ayers-Johnson and seconded by Commissioner Scates.

The motion carried by the following votes: (4) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

34. Approval of Seventh Supplemental Agreement with PricewaterhouseCoopers Dated June 9, 1996-1997 to Perform Audit Services for FY Ending June 2002 Relating to Passenger Facility Charges (PFC’s). (Resolution)

Sanjiv Handa of east Bay News Service spoke on this item
A motion to approve Resolution 02181 was made by Commissioner Scates and seconded by President Tagami.

The motion carried by the following votes: (4) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

35. Personnel Items: Approving Memorandum of Understanding with International Brotherhood of Electrical Workers, Local 1245. (Resolution & Ordinance Only – See Closed Session Item 47)

A motion to approve Resolution 02182 was made by Commissioner Kramer and seconded by Vice-President Ayers-Johnson.

The motion carried by the following votes: (4) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

A motion to adopt the Ordinance to print was made by Commissioner Kramer and seconded by Commissioner Scates.

The motion carried by the following votes: (4) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

36. Approval of First Supplemental Agreement to Fitzgerald, Abbott, & Beardsley, LLP for Training in the Prevention of Sexual Harassment for FY 01-02. (Resolution)

A motion to approve Resolution 02183 was made by Vice-President Ayers-Johnson and seconded by Commissioner Scates.

The motion carried by the following votes: (4) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

37. Approval of First Supplemental Agreement to Century Corporate Counsel, P.C. for Investigations of Discrimination Complaints for FY 01-02. (Resolution)

A motion to approve Resolution 02184 was made by Vice-President Ayers-Johnson and seconded by Commissioner Scates.

The motion carried by the following votes: (4) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe
38. Approval of Contract for Amistad & Associates in Team Building Training for FY 01-02. (Resolution)

A motion to approve Resolution 02185 was made by Vice-President Ayers-Johnson and seconded by Commissioner Scates.

The motion carried by the following votes: (4) Ayes: — Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

OPEN FORUM

The following two individuals spoke during Open Forum:
- James C. Elliott of Technical Consulting Group, LLC. And
- Sanjiv Handa of East Bay News Service.

CLOSED SESSION CONTINUED

The Board re-entered Closed Session at 5:40 pm.

ADJOURNMENT

At the hour of 6:49, there being no further business, Vice-President Ayers-Johnson made a motion to adjourn which was seconded by Commissioner Kramer

The motion carried by the following votes: (4) Ayes: — Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates and President Tagami (3) Excused: Commissioner Protopappas, Commissioner Kiang and Commissioner Uribe

June 18, 2002

John T. Betterton
Secretary of the Board
Roll Call

Vice-President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Uribe and President Tagami were present.

Commissioner Scates was excused.

Closed Session

Port Attorney David Alexander reported the matters to be discussed in Closed Session and asked that the Commission take up an emergency item regarding Fire Station #2 and the Fire Boat.

*Vice-President Ayers-Johnson made a motion seconded by Commissioner Kramer that the Board hear the emergency item in closed session.*

*The motion carried by the following votes: (5) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Uribe and President Tagami.*

Commissioners Protopappas and Scates were excused.

The Board entered into Closed Session for a discussion of the following items:

Assistant Oakland City Manager Dolores Blanchard and Deputy Fire Chief Ron Carter made a presentation to the Board on Fire Station Two and the Fire Boat.
A Conference with Legal Counsel regarding existing litigation (subdivision (a) of § 54956.9) - City of Oakland GATX, Terminal Corporation, et al. United States District Court, Case No. C 02 1307

A conference with Legal Counsel regarding significant exposure to litigation pursuant to subdivision (b) § 54956.9 (4 items).

A conference with Legal Counsel regarding initiation of litigation pursuant to subdivision (c) of § 54956.9 (2 items).

A conference with Real Property Negotiator, as provided under government code section 54956.8, (2 properties)

- Property: Oakland Army Base
  - Negotiating Parties: Port, Oakland Base Reuse Authority, City of Oakland, and the Oakland Redevelopment Agency
  - Under Negotiation: Price and Terms of Payment

- Property: Various Parcels, Jack London Square
  - Negotiating Parties: Port and Jack London Square Partners
  - Under Negotiation: Price and Terms of Payment

OPEN SESSION CONTINUED

The Board reentered Open Session at 3:01 p.m.

APPROVAL OF MINUTES

By consensus the minutes of the Regular Meeting of May 7, 2002 were approved as submitted and ordered filed.

CLOSED SESSION REPORT

Port Attorney David Alexander reported that there were no final decisions made during closed session and that the Board would need to reconvene in Closed Session at the end of the Meeting (see below, Closed Session Continued).

PRESIDENT’S REPORT

President Tagami reported on the Port Of Oakland sponsored Transportation Summit that was held Monday, May 20th at the Oakland Marriott

EXECUTIVE DIRECTOR’S REPORT

Executive Director Tagami reported on Portfest activities of May 18th,

He also reported on the official opening celebration of the new Joint Intermodal Terminal, and read a congratulatory letter from Governor Gray Davis.
COMMITTEE REPORTS

Vice President Frank Kiang reported on the May 16th meeting of the Audit, Budget & Finance Committee

Commissioner John Protopappas reported on the May 8th Meeting of the Commercial Real Estate Committee

President Phil Tagami reported on the May 17th Meeting of the City/Port Liaison Committee

Commissioner Pete Uribe reported on the May 17th Meeting of the Commercial Real Estate Committee

SUMMARY ITEMS

Staff requested that Item 4s be removed from the Summary Calendar

A motion was made by Commissioner Kramer and seconded by Vice-President Ayers-Johnson to approve the following Summary Items:

3s Approval of Plans and Project Manual for Overlay and Extension of Taxiway C, North Field, OIA. (Resolution 02143)

5s Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Ogden Ground Services, Inc. (#1 Airport Drive, South Airport). (Resolution - 02144)

Kristen Cross of EBASE spoke on Item 5s

13s Approval of License and Concession Agreement with the U.S. Lighthouse Society, a Non-Profit California Corporation, for the Berthing of the Historic Lightship Relief in the Area Adjacent to the Fire Boat on the West End of Jack London Square. (Resolution 02147)

22s Authorization to Dispense with Standard Bidding Procedures for Demolition of Buildings C-406, C-407, C-401, Office Area, and Miscellaneous Site Preparation Activities. (Resolution 02149)

35s Authorization of a Three-Year Contract not to Exceed $100,000.00 with George Hills Co. Inc. (Resolution 02153)

36s Authorization to Purchase Motor Vehicles and Declare Replacement Vehicles Surplus. (Resolution 02153)

37s Authorization to Sell Surplus Boat and Electrical Equipment. (Resolution 02154)

38s Authorization to Renew the Port’s Insurance Programs for Computers, Loss of Access, Fire Insurance and Ratify Renewals of Automobile Liability, Automobile Physical Damage, Public Officials Errors and Omissions, Port Liability, Airport Liability, Special Events Liability, Excess Workers’ Compensation, Contractors Equipment, Crane Physical Damage, and CAPA Umbrella Excess Liability Policy. (Resolution 02155)
The following people spoke on item 38s:

- Kimberley Armstrong, James E. Ingram Company, Inc.
- Terrica Green, James E. Ingram Company, Inc.
- James Ingram, James E. Ingram Company, Inc.

39s Authorization to Satisfy Certain Procedural Requirements in Connection with the Redemption of the Special Facilities Revenue Bonds, 1992 Series A (Mitsui O.S.K. Lines, Ltd. Project) on behalf of the Board. (Resolution 02157)

-- Resolution 02157 Approving appointment of Bell, Rosenberg & Hughes as special counsel.

--Resolution 02158 Approving appointment of Bell, Rosenberg & Hughes as special counsel.

-- Resolution 02162 Approving appointment of Fitzgerald, Abbott & Beardsley

--Final Reading of Port Ordinance No. 3695 “Amending Port Ordinance Nos. 2610, 2613, And 3644, As Amended, Fixing Certain Revised Parking Rates And Permit Parking Policy At Metropolitan Oakland International Airport.”

--Final Reading of Port Ordinance No. 3696 “An Ordinance Approving And Authorizing Execution And Delivery Of Easement Documents To Pacific Gas And Electric Company (PG&E) For Aerial Facilities On North Field, Oakland International Airport.”

--Final Reading of Port Ordinance No. 3697 “An Ordinance Approving And Authorizing The Execution Of A Non-Exclusive Preferential Assignment Agreement With Transpacific Container Service Corporation Adding Approximately 12.56 Acres Of Adjacent Land To Its Berth 30 Premises.”

--Final Reading of Port Ordinance No. 3698 “An Ordinance Amending Port Ordinance No. 2833 Relating To Modification Of Basic Crane Rental Rates, Deleting Cranes Nos. X-423, X-441 And X-442 And Adding New Cranes Nos. X-434, X-435, X-C14, X-C15, X-C16, X-C17, X-C18 And X-C19 To Tariff No. 2-A.”

--Final Reading of Port Ordinance No. 3699 “An Ordinance Establishing General Rules and Regulations Governing Use And Distribution Of Recycled Water.”

--Final Reading of Port Ordinance No. 3700 “An Ordinance Revising And Restating Port Ordinance No. 2124 Establishing Rules And Regulations For The Subdivision Of Land And The Filing And Approval Of Subdivision Maps, And Establishing Fees In Connection Therewith.”

--Final Reading of Port Ordinance No. 3701 “An Ordinance Amending Sections 2 And 4 Of Port Ordinance No. 1606 To Provide For Purchasing – Card Procurement.”

--Final Reading of Port Ordinance No. 3702 “An Ordinance Amending No. 867, Creating New Salary Schedules, New Positions, Amending Certain Sections Relating To Title Changes And Amending Port Ordinance No. 3690 To Correct Section 10.21 Of Port Ordinance No. 867.”
The motion carried by the following votes: (6) Ayes: — Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Uribe and President Tagami (1) Excused: Commissioner Scates

AIRPORT

1. Approval of Building Permit and Lease with U.S. Government for Relocation of Weather Balloon Launch Station (Old Earhart Road and Doolittle Drive, North Airport). (Resolution and Ordinance)

A motion to approve Resolution 02141 and to adopt the Ordinance to print was made by Vice-President Ayers-Johnson and seconded by President Tagami.

The motion carried by the following votes: (6) Ayes: — Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami (1) Excused: - Commissioner Scates

2. Approval of a Change Order to Contract for the Purchase and Installation of a New PBX Telephone Switch for the Oakland International Airport – Purchase and Install Crash Alarm Network, Remote Switch at Building L-142, Tie-Line to Southwest Airlines Telephone Switch, and Upgrade of Attendant Console Software, South Field, OIA. (Resolution)

A motion to approve Resolution 02142 was made by Vice-President Kiang and seconded by Vice President Ayers-Johnson.

The motion carried by the following votes: (6) Ayes: — Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami (1) Excused: - Commissioner Scates

COMMERCIAL REAL ESTATE

11. Approval of Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Seabreeze Marina Tunnel Sealing and Wetland Enhancement Project, Seabreeze Marina (Clinton Basin). (Resolution)

A motion to approve Resolution 02145 was made by Commissioner Protopappas and seconded by Vice-President Ayers-Johnson.

The motion carried by the following votes: (6) Ayes: — Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami (1) Excused: - Commissioner Scates

12. Authorization to Purchase Environmental Insurance on Jack London Square/Ellis Ground Leases. (Resolution)

A motion to approve Resolution 02146 was made by Vice-President Kiang and seconded by President Tagami.
The motion carried by the following votes: (6) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami (1) Excused: - Commissioner Scates

MARITIME


A motion to approve Resolution 02148 was made by Commissioner Uribe and seconded by Commissioner Kramer.

The motion carried by the following votes: (6) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami (1) Excused: - Commissioner Scates

OPERATIONS

31. Approval to Extend Port of Oakland Surety Bond and Financing Program. (Resolution)

James Ingram of Ingram Company, Inc. spoke on this item

The item was pulled by consensus

32. Naming Review Committee Report and Recommendations for Naming of Certain Port Facilities. (Resolution)

A motion to approve Resolution 02150 was made by Commissioner Kramer and seconded by Commissioner Protopappas.

The motion carried by the following votes: (6) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami (1) Excused: - Commissioner Scates

The following people spoke on this item:
- Sam Broadnax, Tuskegee Airmen
- Denis Mills, Tuskegee Airmen
- Prelmer Newman, Port of Oakland
- Sele-Nadel Hayes, West Oakland Resident


A motion to approve Resolution 02151 was made by Commissioner Uribe and seconded by Commissioner Kramer.
34. Amendment to Non-Discrimination in Small Local Business Utilization Policy for Alternative Project Delivery Methods. (Motion)

Paul Elizondo spoke on this issue

A motion was made to approve the Amendment by Commissioner Uribe and seconded by Vice-President Ayers-Johnson.

The motion carried by the following votes: (6) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami (1) Excused: - Commissioner Scates

OPEN FORUM

The following people spoke in Open Forum:

- Fred Pecker, I.L.W.U. Local 6
- Cayren King
- Odus Hall, Teamsters Local 70
- Michael Terry, I.L.W.U. Local 75
- Michael Ringbom, Local 790 S.E.I.U.
- Sprek Rosekrans, Environmental Defense
- Sanjiv Handa, East Bay News

CLOSED SESSION CONTINUED

The Board reentered Closed Session to continue items from the initial Closed Session

OPEN SESSION CONTINUED

The Board reconvened in Open Session at 7:20.

Port Attorney Alexander reported that no final decisions had been made in Closed Session.
ADJOURNMENT

There being no further business, Vice-President Ayers-Johnson made a motion to adjourn which was seconded by Commissioner Kramer.

The motion carried by the following votes: (6) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates, Commissioner Uribe and President Tagami (1) Excused: Commissioner Protopappas.

May 4, 2002

John T. Betterton
Secretary of the Board
Approved Minutes

Regular Meeting of the Board of Port Commissioners
Tuesday, May 7, 2002 - 3:00 PM

ROLL CALL

Vice-President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami were present

FIRST CLOSED SESSION

Port Attorney David Alexander reported the Matters to be discussed in Closed Session.

On a motion by President Tagami and seconded by Vice-President Ayers-Johnson the Board voted unanimously to enter into Closed Session

The Board entered into Closed Session at 3:04 p.m. for a Conference with Legal Counsel regarding:

Existing Litigation (subdivision (a) of §54956.9)

City of San Leandro v. City of Oakland, et al, Alameda County Superior Court Case No. 793033-9

City of Oakland v California Department of Transportation, et. al., U.S. District Court Case No. C-02-1307

City of Oakland et al v. Federal Highway Administration, U.S. District Court, Northern District of California, No. C02 1307
Kenneth Taylor v. Port of Oakland, et al., United States District Court Case No. C-00-0988PJH

Anticipated Litigation

(Subdivision (b) of §54956.9) - One Matter

Conference with Real Property Negotiator

Property: Oakland Army Base
Parties: Port Of Oakland, Oakland Base Reuse Authority, City of Oakland, and the Oakland Redevelopment Agency
Under Negotiation: Price and terms of Payment

APPROVAL OF MINUTES

By consensus the minutes of the Regular Meeting of April 16, 2002 were approved as submitted and ordered filed.

CLOSED SESSION REPORT

Port Attorney David Alexander reported that there were no final decisions made during closed session and that the Board would need to reconvene in Closed Session at the end of the Meeting (see below, Closed Session Continued).

PRESIDENT’S REPORT

President Tagami requested that the Board honor Council member-At-Large Henry Chang for his distinguished service to the City and for his recent help with arranging high level government meetings for the Trade Mission to China. Councilman-At-Large Chang thanked the Board and offered words of encouragement for the work the Port was doing with its Chinese customers.

President Tagami and others reported on the recent Asia Trade Mission. Commissioner Scates reported that the clients had appreciated the continuity in the delegations from year to year. Commissioner Kramer said that the delegation had been impressive and very well received. President Tagami demonstrated a giant Koi kite that he brought back from Japan’s Children’s Day Celebration, and invited people to see them flying at the Port.

President Tagami announced that the Port Of Oakland sponsored Transportation Summit would be held Monday, May 20th at the Oakland Marriott

EXECUTIVE DIRECTOR’S REPORT

Executive Director Tagami reported on the following:

- New Jet Blue Service from Oakland International Airport
- The recent Asia Trade Mission
• A letter of support for the 50ft dredging project from Governor Gray Davis
• Portfest plans for May 18th

COMMITTEE REPORTS

Vice President Darlene Ayers-Johnson reported on the April 30th. Meeting of the Administration Committee

Vice President Frank Kiang reported on the April 29th meeting of the Aviation Committee, which met at the Oakland International Airport

SUMMARY ITEMS

By consensus Item 37s was removed from the Summary Calendar and taken in due course

A motion was made by Commissioner Protopappas and seconded by Vice-President Ayers-Johnson to approve the following 17 Summary Items:

5s Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Rui Canha dba American Building Service (#1 Airport Drive, South Airport). (Resolution)

6s Approval of License and Concession Agreement with Ryan International Airlines, Inc. for Office and Storage Space (8300 and 8302 Earhart Road, North Airport). (Resolution)

7s Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Huntleigh USA Corporation (#1 Airport Drive, South Airport). (Resolution)

8s Authorization of Contract Not to Exceed $30,000.00 to Avila Tom Architects for Design and Construction Management Services for Relocation of Oakland Duty Free to Accommodate Construction of the Terminal 1 Security Checkpoint Enhancement Project. (Resolution)

9s Ratification and Approval of Contract Change Orders to Contract for Aircraft Sound Insulation Program in Alameda – Additional Costs to Apply Waterproofing Paint and to Reseal Windows and Doors Due to Substrate Failure. (Resolution)

10s Authorization to Enter into an Agreement with Pacific Bell for Installation of Underground Telephone Service, North Airport, OIA. (Resolution)

11s Authorization to Execute an Easement Agreement with Pacific Gas and Electric Company for Aerial Facilities, North Airport, OIA. (Resolution)

22s Modifications to Various Crane Rental Provisions in Port of Oakland Tariff 2-A to Reflect Newly Purchased Cranes and Elimination of Crane Rental Provisions for Container Gantry Cranes that are No Longer Used. (Ordinance)
33s Recommendation Authorizing Various Forms of Electronic Payment Including Use of Credit Cards for the Purchase and Payment of Supplies and Services by Authorized Port Personnel. (Resolution)

34s Approval to Amend the Agreement for Nossaman, Guthner, Knox & Elliott, LLP for State Legislative Advocacy Services. (Resolution)

35s Personnel Items: Creation of Salary Schedules; Creation of Classifications/Positions; and Title Changes. (Ordinance)

36s Personnel Items: Demotions. (Resolution)

--Building Permit issued to Aloha Airlines, Inc., for construction of partition walls to create new office and storage space in the existing baggage handling area behind the Ticket Counters in Terminal 1. (Determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(a) Class 1 of the CEQA Guidelines.)

--Building Permit issued to The Hertz Corporation, National Car Rental System, Enterprise Rent-A-Car Company of San Francisco, Thrifty Rent-A-Car System Inc., Budget Rent-A-Car System Inc. and Dollar Rent-A-Car of San Francisco, Inc., for construction of hold down anchor systems and foundation pads required for the installation of temporary office trailers and ADA accessible ramps at the South Airport parking lot; and project to include related electrical work. (Determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(a) Class 1 of the CEQA Guidelines.)

--Port Ordinance No. 3692, “Making Certain Findings And Determinations In Support Of, And Authorizing Execution Of A Purchase And Sale Agreement With Lincoln Property Company Commercial, Inc., For The Port Of Oakland’s Sale Of An Approximately 14 Acre Parcel Of Land Located At Hegenberger And Pardee Roads.”

--Port Ordinance No. 3693, “Making Certain Findings And Determinations In Support Of, And Authorizing Execution Of A Purchase And Sale Agreement With Doug Rohn And Elizabeth Zenger, Doing Business As Bay Area Veterinary Specialists For The Port Of Oakland’s Sale Of An Approximately 2.09 Acre Parcel Of Land Located At Edgewater Road And Pardee Lane.”

--Port Ordinance No. 3694, “Establishing A Public Art Program, A Public Art Committee And Guidelines, Rules And Regulations For Incorporating Public Art Into The Port’s Major Expansion And Development Goals And Private And Public Development Within The Jurisdiction Of The Port Of Oakland, Policy And Procedure For Acquisition, Review And Acceptance Of Gifts And Loans, And De-Accessioning Of Public Art.”

The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

A motion to approve Resolution 02125 was made by Vice President Ayers-Johnson and seconded by Commissioner Scates. The motion carried by the following votes: (7) Ayes: - Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

2. Authorizing Agreement with the Transportation Security Administration for Law Enforcement Services Replacing the California National Guard. (Resolution)

A motion to approve Resolution 02126 was made by Vice President Ayers-Johnson and seconded by Vice-President Kiang. The motion carried by the following votes: (7) Ayes: - Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

3. Permit Parking Lot Policy Oakland International Airport. (Ordinance)

Sanjiv Handa of East Bay News Service spoke on this item

A motion to table the Ordinance was made by Vice President Ayers-Johnson and seconded by Vice-President Kiang. The motion carried by the following votes: (7) Ayes: - Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

4. Approval of a Building Permit Application for Alaska Airlines Inc. to Construct Tenant Modifications and Repairs to Hangar 6, Building L-610, 8291 Earhart Road, OIA. (Resolution)

A motion to approve Resolution 02127 was made by Vice President Ayers-Johnson and seconded by Commissioner Scates. The motion carried by the following votes: (7) Ayes: - Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

COMMERCIAL REAL ESTATE

12. Traffic Congestion Relief and Safe School Bus Act (Resolution)

A motion to approve Resolution 02134- was made by Commissioner Protopappas and seconded by Commissioner Scates. The motion carried by
the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

MARITIME


A motion to adopt the Ordinance to print was made by Commissioner Kramer and seconded by Commissioner Uribe. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

OPERATIONS

31. Approval of a Revision to the Board of Port Commissioners’ By-Laws and Administrative Rules to Allow a Blanket Resolution for Building Permits that are Exempt from Environmental Review. (Resolution)

A motion to approve Resolution 02135 was made by Commissioner Kramer and seconded by Commissioner Uribe. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

32. Recommendation to Give First Reading to an Ordinance Establishing General Rules and Regulations Governing Use and Distribution of Recycled Water and (Revising and Restating Port Ordinance No. 2124) Establishing Rules and Regulations for the Subdivision of Land and the Filing and Approval of Subdivision Maps, and Establishing Fees in Connection Therewith. (Ordinance)

A motion to adopt the Ordinance to print was made by Vice President Ayers-Johnson and seconded by Vice-President Kiang . The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

37s Personnel Items: Termination. (Resolution)

The subject of the requested termination was present. A request on her behalf that the item be heard in Closed Session was made by Al Loera of Local 790.

A motion to hear the item in closed session was made by Commissioner Uribe and seconded by Commissioner Protopappas . The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami
The Board entered into closed session at 6:00pm

Al Loera of Local 790 spoke against the staff recommendation to terminate the employee.

The Board reconvened in open session at 6:08 to consider the item.

A motion to approve Resolution 02140 was made by Vice-President Ayers-Johnson and seconded by Commissioner Scates. The motion carried by the following votes: (6) Ayes: — Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates, Commissioner Uribe and President Tagami (1) Excused: Commissioner Protopappas.

OPEN FORUM

Sanjiv Handa of East Bay News Service spoke on City Budget priorities and possible implication to Port Operations.

CLOSED SESSION CONTINUED

The Board reentered Closed Session to continue items from the initial Closed Session.

OPEN SESSION CONTINUED

The Board reconvened in Open Session at 6:40.

Port Attorney Alexander reported that no final decisions had been made in Closed Session.

ADJOURNMENT

There being no further business, Vice-President Ayers-Johnson made a motion to adjourn which was seconded by Commissioner Kramer. The motion carried by the following votes: (6) Ayes: — Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Scates, Commissioner Uribe and President Tagami (1) Excused: Commissioner Protopappas.

May 21, 2002

John T. Betterton
Secretary of the Board
ROLL CALL

Vice-President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami were present.

FIRST CLOSED SESSION

The Board entered into Closed Session at 3:05 p.m. for a Conference with Legal Counsel regarding:

Existing Litigation (subdivision (a) of §54956.9)

City of Oakland v. Pacific Gas & Electric Company, U.S. District Court, N. D. Case No. 01-30923DN (Howard Terminal)

City of Oakland v. J. C. Penny Life Ins. Co., U.S. District Court Case No. C-00-2975

City of Oakland et al v. Federal Highway Administration, U.S. District Court, Northern District of California, No. C02 1307

City of Oakland, et Al v. California Dept. of Transportation, Sacramento Co. Court Case No. 02CS00391

In re Kaiser Group International, Inc., Case No. 00-02263

Anticipated Litigation

(Subdivision (b) of §54956.9) - Four Matters
Conference with Real Property Negotiator

Property: Oakland Army Base
Parties: Port Of Oakland, Oakland Base Reuse Authority, City of Oakland, and the Oakland Redevelopment Agency
Under Negotiation: Price and terms of Payment

There were final decisions made on four items during closed session. (See below Closed Session Report)

FIRST OPEN SESSION

The Board entered into open session at 4:06 p.m.

CLOSED SESSION REPORT

Port Attorney David Alexander reported that the Board would need additional time for closed session (see below, Second Closed Session) at the end of the meeting and that final action was recommended in closed session on the following four items:

1. Resolution Compromising And Settling Claims And Authorizing Execution Of Stipulated Settlement (Trosey Lee v. Port Of Oakland, Worker's Compensation Appeals Board Case No. OAK 247505)

A motion was made by Vice-President Ayers-Johnson and seconded by Commissioner Scates to approve Resolution 02120. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

2. Resolution Approving Settlement And Authorizing Execution Of A Defense Funding Agreement And Partial Settlement Agreement Regarding Indemnity Between The Port Of Oakland And Zurich Concerning The Charles P. Howard Site (City Of Oakland V. Pacific Gas & Electric Company, U.S. District Court, N. D., Case No. 01-30923DN - Howard Terminal)

A motion was made by Vice-President Ayers-Johnson and seconded by Commissioner Uribe to approve Resolution 02121. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

3. Resolution Approving Settlement And Authorizing Execution Of A Settlement Agreement And Release Between The Port Of Oakland And J. C. Penny Life Insurance Company Concerning The Ninth Avenue Terminal (City Of Oakland v. J. C. Penny Life Insurance Co., U.S. District Court Case No. C-00-2975)
A motion was made by Vice-President Kiang and seconded by Commissioner Protopappas to approve Resolution 02122. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

4. Resolution Approving And Authorizing The Executive Director To Execute A Settlement Agreement With ICF Kaiser v. Engineers, Inc., U.S. District Court For The District Of Delaware, Case Nos. 00-2263 To 00-2301 (Bankruptcy), And Approving And Authorizing Expenditure Of Additional Funds For Outside Special Counsel To The Port Attorney.

A motion was made by Commissioner Protopappas and seconded by Commissioner Uribe to approve Resolution 02123. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

APPROVAL OF MINUTES

By consensus the minutes of the Regular Meeting of April 2, 2002 were approved as submitted and ordered filed.

PRESIDENT'S REPORT

President Tagami reported briefly on the upcoming trade mission to Port Clients in Asia. The three week trip will be split-up with President Tagami and Vice President Ayers-Johnson participating on the first part and Commissioners Scates and Kramer on the last part.

Additionally, he reported on the April 10th meeting with approximately twenty local Contractors regarding the implementation of the Port's Local Business Utilization policy with respect to the Airport Extension. He acknowledged Director Bernida Reagan's participation in the meeting.

EXECUTIVE DIRECTOR’S REPORT

Executive Director, Tay Yoshitani, reported that Summit Bank Foundation had nominated the Port for a HEROES award (Helpers Engaged in Reaching Oakland's Excellent Schools) for its participation in the program. The Port adopted a school and sent 20 volunteers a week to help; participated in National Read Aloud Day; participated in a beautification project at Martin Foster Elementary School; and sent five volunteers to the “Principal for a Day” program.

Director Yoshitani announced that the Port’s updated Website designed in collaboration with 2plus2 Partners. He stated that the new site was user friendly, had a job center, a section on sustainable development and a newsroom. (www.portofoakland.com)

Director Yoshitani also announced that the Port would receive the next shipment of Giant Cranes on April 30th
COMMITTEE REPORTS

Vice President Kiang reported on the April 15th meeting of the Audit, Budget, and Finance Committee

Commissioner Protopappas reported on the April 3rd meeting of the Commercial Real Estate Committee

SUMMARY ITEMS

A motion was made by Commissioner Kramer and seconded by Commissioner Protopappas to approve the following 5 Summary Items:

2S Approval of a Supplemental Agreement Authorizing Rental Credit not to Exceed $49,500 with Aloha Airlines, Inc. for Construction of New Office and Storage Space in Terminal 1 at Oakland International Airport and Approval to Dispense with Formal Competitive Bidding Procedures for Such Construction. (#1 Airport Drive, South Airport). (Resolution 02108)

3S Authorization to Accept Federal Aviation Administration (FAA) Grant Offer for AIP-27. (Resolution 02109)

13S Recommended Approval of Right-of-Entry and Indemnity Agreement(s) with Park Plaza Hotel for 28,560 Square Feet of Vacant Land at 265 Hegenberger Road, YMCA of the East Bay for 820 Square Feet of Office Space at 489 Water Street, and Jack London Square Partners for 1,640 Square Feet of Office Space at 481 Water Street. (Resolution)

32S Approval to Enter into an Agreement with Kelco Computing Solutions, in the Amount of $25,000.00, for Development of a Centralized Database System. (Resolution 021159)

-- Building Permit. Nextel of California Inc., relocation of existing antenna wiring due to other construction in M-103.

-- Ordinance No. 3691 “Amending Section 9.18 Of Port Ordinance No. 867 Amending The Salary Schedule Assignment For The Classification Of Youth Aides, Class D And Class C.” (Adopted To Print – 4/2/02)

The motion carried by the following votes:  (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

AIRPORT

1. Authorization for the Director of Aviation or his Designee to Approve Routine Marketing Service Contracts and Agreements Related to Budgeted Marketing Programs. (Resolution 02107)
A motion to approve Resolution 02107 was made by Vice President Ayers-Johnson and seconded by Commissioner Scates. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

COMMERCIAL REAL ESTATE

11. First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Lincoln Property Company for the Property located at Hegenberger and Pardee Roads.

John Herr of Lincoln Property Company and Mel Harrison of BT Commercial Real Estate spoke in favor of the Ordinance.

A motion to adopt the Ordinance to print was made by Commissioner Protopappas and seconded by Vice-President Kiang. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

12. First Reading of an Ordinance Authorizing the Execution of a Purchase and Sale Agreement with Doug Rohn and Elizabeth Zenger for the Property Located at Edgewater Drive and Pardee Road.

Doug Rohn of Bay Area Veterinary Specialist spoke in favor of the Ordinance.

A motion to adopt the Ordinance to print was made by Commissioner Protopappas and seconded by Vice-President Kiang. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

MARITIME

21. Revised Compensation Terms to the Approved Non-Exclusive Preferential Assignment Agreement with Evergreen Marine Corporation (Taiwan) Ltd. for the Ben E. Nutter Terminal. (Resolution 02111)

A motion to approve Resolution 02111 was made by Commissioner Uribe and seconded by Commissioner Scates. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

22. Approval of Change Order to Contact for Construction of Berths 57/58 Container Wharf, Fill and Middle Harbor Shoreline Modifications, Vision 2000 – Construction of the Berth 59 Container Yard Associated with the Wharf Extension. (Resolution 02112)
A motion to approve Resolution 02112 was made by Commissioner Kramer and seconded by Commissioner Scates. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami


A motion to approve Resolution 02113 was made by Commissioner Scates and seconded by Commissioner Uribe. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

24. Approval of Second Supplemental Agreement with Lewis Engineering for Construction Quality Assurance Services for the Closure of Landfill at the Former Lew F. Galbraith Golf Course. (Resolution 02114)

A motion to approve Resolution 02114 was made by Commissioner Uribe and seconded by Commissioner Scates. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

OPERATIONS

31. First Reading of a Public Art Ordinance Governing the Port Of Oakland.

A motion to adopt the Ordinance to print was made by Vice President Ayers-Johnson and seconded by Commissioner Protopappas. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

OPEN FORUM

There were no speakers during Open Forum

SPECIAL ORDERS

President Tagami paid tribute to outgoing Secretary of the Board Christopher C. Marshall. Each Commissioner in turn made brief remarks of gratitude for his many years of service. On conclusion of remarks, Mr. Marshall rose to thunderous applause and thanked the Board.

SECOND CLOSED SESSION

The Board re-entered Closed Session at 5:09 pm

There were no final actions taken in Closed Session
SECOND OPEN SESSION

The Board re-entered Open Session at 6:30 pm

ADJOURNMENT

There being no further business, Commissioner Uribe made a motion to adjourn which was seconded by Vice-President Ayers-Johnson. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami.

May 6, 2002

John T. Betterton
Secretary of the Board
Regular Meeting of the Board of Port Commissioners  
Tuesday, April 2, 2002 - 3:00 PM

ROLL CALL

Vice-President Ayers-Johnson, Commissioner Kramer, Commissioner Scates, Commissioner Uribe and President Tagami were present

Commissioner Protopappas and Vice-President Kiang were excused

CLOSED SESSION

The Board entered into Closed Session at 3:00 p.m. for a Conference with Legal Counsel regarding:

Existing Litigation

1. Port Of Oakland v. GKO-Messinger & Associates, et al. (Alameda Superior Court Case No. 824540-7)  
2. City of Alameda et Al. v. Port of Oakland, et al., (Alameda Superior Court Case No. 793056-0)

Anticipated Litigation

1. Two Matters

And a conference with Real Property Negotiator regarding:

1. Oakland Army Base  

There were no final decisions made during closed session.
OPEN SESSION

The Board entered into open session at 4:15 p.m.

APPROVAL OF MINUTES

A motion was made to approve the minutes of the Regular Meeting of January 15, 2002, adjourned regular meeting of March 5, 2002 and the Special Meeting of March 22, 2002.

The motion carried by the following votes: (5) Ayes: – Vice President Ayers-Johnson, Commissioner Kramer, Commissioner Scates, Commissioner Uribe and President Tagami

Commissioner Protopappas and Vice-President Kiang were excused.

PRESIDENT’S REPORT

President Tagami reported on his recent trip to China where he met with executives of Southern China Airlines and the CACC (the Chinese equivalent of the FAA) in an effort to increase cargo business at the Airport. He reported that the BART Board had approved the certification of the EIR and EIS for a raised track rail from the Coliseum BART station to the Oakland International Airport. Additionally, he spoke about the Board’s support for the Local Business Utilization policy in the Airport expansion project, and stated that the Port will not be able to award contracts to every local contractor.

EXECUTIVE DIRECTOR’S REPORT

Executive Director, Tay Yoshitani, reported that President Tagami had recently been awarded the “Oakland on the Map Award” by the Chamber of Commerce, and that several people associated with the Port had also received awards (Former Port Commissioner Tom Berkeley and David Dunn of E-Agency). Additionally, he reported on his recent trip to Washington, D.C. to attend the American Association of Airport Executive’s Conference (AACI) and the conference of the Airports Councils International, North America (ACI-NA). While in Washington he met with various bay-area elected officials and their staffs.

Social Responsibility Division Director, Bernida Regan reported on the recent Local Business Utilization meeting hosted by the Port and Council member Larry Reid. She stated that more than 600 people had attended the meeting.

Maritime Director Jerry Bridges reported on Security issues and funding concerns relating to government security mandates.
Aviation Director Steve Grossman reported on the AACI conference. He also gave a brief overview of issues with the new Transportation Security Agency. Specifically, that there has been no Agency funding allocated yet, and that the Agency was being encouraged by airport officials to adopt customer service standards.

Commercial Real Estate Director, Omar Benjamin reported the closing of the sale of the Jack London Properties.

COMMITTEE REPORTS

President Tagami reported on the April 1st. meeting of the Aviation Committee

Vice President Ayers-Johnson reported on the March 15th meeting of the City/Port Liaison Committee meeting

The following individual spoke on the City/Port Liaison Committee meeting: Sanjiv Handa

President Tagami reported on the March 6th. meeting of the Aviation Committee

Commissioner Uribe reported on the March 28th meeting of the Maritime Committee and maritime matters 21, 22, 23 and 24 on the current Agenda. Additionally, he asked staff to give an update on the “Shuttle Train” at the next Maritime Committee Meeting of May 30th.

SUMMARY ITEMS

President Tagami removed from the Summary Items Calendar Operations Items 32S, 33S and 36S

A motion was made by Vice President Ayers-Johnson and seconded by Commissioner Uribe to approve the following 20 “Summary Items”:

3S  Ratification by the Board of Commissioners of the Procurement of MUSE Printers for the New International Ticket Counters in Terminal One.  (Resolution 02081)

4S  Approval of License and Concession Agreement with Rolls-Royce Engine Services-Oakland, Inc. for Occupancy of Storage and Maintenance Space (7480 Earhart Road, North Airport).  (Resolution 02082)

5S  Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with Airport Terminal Services, Inc. (#1 Airport Drive, South Airport).  (Resolution 02083)
6S Ratification of Addendum and Award of Contract for Construction of Asphalt Concrete Overlay of Runway 9L-27R, North Field, OIA. (Resolution 02084)

7S Approval of Plans and Project Manual for Aircraft Sound Insulation Program, Phase 2, A.I.P. 3-06-0170-26 and Phases 3, 4 and 5, Bay Farm Island, Alameda, California. (Resolution 02085)

8S Approval of Plans and Project Manual for Construction and Installation of Post Indicator Valves at Building L-820 (Hangar 9), North Field, OIA. (Resolution 02086)

9S Approval to Ratify Change Orders to Purchase Order Contracts to Allied Painters for Repainting of Hangars 7 & 8, North Field, Oakland International Airport. (Resolution 02087)

10S Approval of License and Concession Agreement with Mahmoud Mo Allam and Magdi M. Osman dba Transpacific Aviation Services (#1 Airport Drive, South Airport). (Resolution 02088)

11S Approval of License and Concession Agreement with Today’s Aircraft Maintenance Contracting Organization (#1 Airport Drive, South Airport). (Resolution 02089)


27S Keep On Trucking Company, Inc. Lease Termination. (Resolution 02096)


29S Removed from the Calendar by Staff

-- Building Permit issued to Dollar Rent-A-Car Systems Inc., relocation of existing rental car key kiosk at the South Airport parking lot due to a change in the FAA mandated security zone, which includes the construction of a foundation slab and related electrical work. (Resolution 02102)

-- Building Permit issued to Thrifty Rent-A-Car Systems Inc., relocation of an existing rental car key kiosk at the South Airport parking lot due to the change in the FAA mandated security zone, which includes the construction of a foundation slab and related electrical work. (Resolution 02103)
-- **Building Permit** issued to Budget Rental Car Systems Inc., relocation of an existing rental car key kiosk at the South Airport parking lot due to the change in the FAA mandated security zone, which includes the construction of a foundation slab and related electrical work. *(Resolution 02104)*

-- **Building Permit** issued to National Rental Car Systems Inc., relocation of an existing rental car key kiosk at the South Airport parking lot due to the change in the FAA mandated security zone, which includes the construction of a foundation slab and related electrical work. *(Resolution 02105)*

-- **Ordinance No. 3687** Being, “An Ordinance Amending Port Ordinance No. 3634 Relating To Landing And Tenant Terminal Space Rental Fees At Metropolitan Oakland International Airport.”

-- **Ordinance No. 3688** Being, “An Ordinance Amending Port Ordinance No. 3044, Fixing Certain Revised Parking Rates At The Parking Facilities In Jack London Square.”

-- **Ordinance No. 3689** Being, “An Ordinance Amending Port Ordinance No. 2083 To Allow Building Permits To Be Granted For More Than 360 Days.”

-- **Ordinance No. 3690** Being, “An Ordinance Amending Port Ordinance No. 867, Creating New Salary Schedules, New Positions, Amending Certain Sections Relating To Title Changes And Amendment Of Salary Schedules, And Amending Port Ordinance No. 3681 To Correct Section 5.121 Of Port Ordinance No. 867.”

*The motion carried by the following votes: (5) Ayes: — Vice President Ayers-Johnson, Commissioner Kramer, Commissioner Scates, Commissioner Uribe and President Tagami.*

*Commissioner Protopappas and Vice President Kiang where excused.*

**AIRPORT**


*A motion was made by Vice President Ayers-Johnson and seconded by Commissioner Kramer. The motion carried by the following votes: (5) Ayes: — Vice President Ayers-Johnson, Commissioner Kramer, Commissioner Scates, Commissioner Uribe and President Tagami.*

*Commissioner Protopappas and Vice President Kiang where excused.*
2. Proposed Ratification to Dispense with Standard Bidding Procedures for Expansion of Security Checkpoints in Terminals 1 and 2, South Field, OIA. (Resolution 02080)

A motion was made by Vice President Ayers-Johnson and seconded by Commissioner Kramer. The motion carried by the following votes: (5) Ayes: – Vice President Ayers-Johnson, Commissioner Kramer, Commissioner Scates, Commissioner Uribe and President Tagami.

Commissioner Protopappas and Vice President Kiang where excused.

COMMERCIAL REAL ESTATE

12. Staff Sought Ratification of an Authorization to Prepare and Execute an Agreement with URS Corporation to Perform a Feasibility Study to Connect Lake Merritt to the Oakland Estuary. (Resolution 02090)

The following individual spoke on item 12: Sanjiv Handa

A motion was made by Vice President Ayers-Johnson and seconded by Commissioner Uribe. The motion carried by the following votes: (5) Ayes: – Vice President Ayers-Johnson, Commissioner Kramer, Commissioner Scates, Commissioner Uribe and President Tagami.

Commissioner Protopappas and Vice President Kiang where excused.

MARITIME

21. Approval of a First Amended and Restated Non-Exclusive Preferential Assignment Agreement for Berths 57-59 to SSA Terminals, LLC (SSAT). (Resolution 02091)

A motion was made by Commissioner Kramer and seconded by Commissioner Scates. The motion carried by the following votes: (5) Ayes: – Vice President Ayers-Johnson, Commissioner Kramer, Commissioner Scates, Commissioner Uribe and President Tagami.

Commissioner Protopappas and Vice President Kiang where excused.
22. Ratification and Approval of Contract Change Orders to Contract for Realignment of Middle Harbor Road, Adeline Street Overcrossing to West of K Street, Vision 2000 – Additional Costs to install EBMUD Waterline and Mitigate Schedule Delays for Installation of JIT Tail Tracks.  (Resolution 02092)

A motion was made by Commissioner Uribe and seconded by Commissioner Scates. The motion carried by the following votes: (5) Ayes: – Vice President Ayers-Johnson, Commissioner Kramer, Commissioner Scates, Commissioner Uribe and President Tagami.

Commissioner Protopappas and Vice President Kiang where excused.

23. Approval and Ratification of Change Orders to Contract for Construction of Point Arnold/Port View Park Connector MHSP Stage 1, Vision 2000 – Various Cost Reduction Items.  (Resolution 02093)

A motion was made by Commissioner Uribe and seconded by Commissioner Scates. The motion carried by the following votes: (5) Ayes: – Vice President Ayers-Johnson, Commissioner Kramer, Commissioner Scates, Commissioner Uribe and President Tagami.

Commissioner Protopappas and Vice President Kiang where excused.

24. Requests Approval of Third Supplemental Agreement with Moffatt & Nicol Engineers for Engineering Design Services for the Container Yard and Gate at Berths 57 and 58, Inner Harbor Channel, Vision 2000 Program.  (Resolution 02094)

A motion was made by Commissioner Uribe and seconded by Commissioner Scates. The motion carried by the following votes: (5) Ayes: – Vice President Ayers-Johnson, Commissioner Kramer, Commissioner Scates, Commissioner Uribe and President Tagami.

Commissioner Protopappas and Vice President Kiang where excused.

25. Was removed from the Calendar by the Staff
31. Recommended Approval Authorizing the Executive Director to Enter into an Agreement with Worldwide Quality Assurance LLP, to Provide Professional Consulting Services Related to Process Improvements. (Resolution 02098)

A motion was made by Commissioner Scates and seconded by Vice President Ayers-Johnson. The motion carried by the following votes: (5) Ayes: – Vice President Ayers-Johnson, Commissioner Kramer, Commissioner Scates, Commissioner Uribe and President Tagami.

Commissioner Protopappas and Vice President Kiang where excused.

At the suggestion of President Tagami Items 32S and 33S were heard together:

32S. Approval to Enter into an Agreement with O’Rorke Public Relations Advertising and Global Business Development and Marketing, Inc. for Event Planning and Consultant Services Related to the Transportation and Trade Summit. (Resolution 02099)

33S. Approval to Enter into an Agreement with a Consultant for the Production of a Port Informational Video. (Resolution 02100)

The following individual spoke on items 32S and 33S: Sanjiv Handa

A motion was made by Vice President Ayers-Johnson and seconded by Commissioner Uribe. The motion carried by the following votes: (5) Ayes: – Vice President Ayers-Johnson, Commissioner Kramer, Commissioner Scates, Commissioner Uribe and President Tagami.

Commissioner Protopappas and Vice President Kiang where excused.

36S. Personnel Items: regarding Changes to the Compensation Schedule for High-School Interns (Ordinance)

A motion was made by Commissioner Uribe and seconded by Commissioner Scates. The Ordinance was adopted to print by the following votes: (5) Ayes: – Vice President Ayers-Johnson, Commissioner Kramer, Commissioner Scates, Commissioner Uribe and President Tagami.

Commissioner Protopappas and Vice President Kiang where excused.
OPEN FORUM

The following individual spoke during open forum: Sanjiv Handa

ADJOURNMENT

There being no further business, President Tagami made a motion to adjourn which was seconded by Commissioner Scates.

A motion was made by Commissioner Uribe and seconded by Commissioner Scates. The motion carried by the following votes: (5) Ayes: – Vice President Ayers-Johnson, Commissioner Kramer, Commissioner Scates, Commissioner Uribe and President Tagami.

Commissioner Protopappas and Vice President Kiang where excused.

April 2, 2002

[Signature]

John T. Betterton
Secretary of the Board
Special Meeting of the Board of Port Commissioners
Tuesday, March 22, 2002 - 3:00 PM

SPECIAL MEETING

Vice-President Ayers-Johnson Called For A Special Meeting Of The Board To Discuss An Amendment To The Existing Agreement For The Sale Of The Jack London Properties (see attached Call Letter)

ROLL CALL

Vice-President Ayers-Johnson, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates and Commissioner Uribe were present

Vice-President Kiang and President Tagami were excused.

CLOSED SESSION

The Board entered into Closed Session at 3:00 p.m. for a Conference with Real Property Negotiator.

OPEN SESSION

The Board entered into open session at 4:00 p.m.
COMMERICAL REAL ESTATE

Amendment Of An Approval Authorizing The Sale Of Certain Improvements Located In Jack London Square To A JLSP Entity, Authorizing Ground Leases Related To Such Assets, And Authorizing Execution Of An Amendment To The Agreement For Acquisition Of Ground Lease Interests, An Operating And Easement Agreement And Related Documents (Resolution 02078)

A motion was made that this matter be approved. The motion carried by the following votes: (5) Ayes: Vice President Ayers-Johnson, Commissioner Protopappas, Commissioner Scates, and Commissioner Uribe (1) Noes:- Commissioner Kramer (2) Absent: Vice-President Kiang, and President Tagami

ADJOURNMENT

There being no further business, a motion was made to adjourn the meeting.

April 2, 2002

John T. Betterton
Secretary of the Board
Regular Meeting of the Board of Port Commissioners
Tuesday, March 5, 2002 - 3:00 PM

ROLL CALL
Vice-President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami were present.

CLOSED SESSION
The Board entered into Closed Session at 3:00 p.m. for a Conference with Legal Counsel regarding Anticipated Litigation and a conference with Real Property Negotiator regarding Oakland Army Base, SSAT Terminal, and various parcels of Jack London Square.

There were no final decisions made during closed session.

OPEN SESSION
The Board entered into open session at 4:03 p.m.

APPROVAL OF MINUTES
A motion was made to approve the minutes of the Regular Meeting of December 18, 2001. The motion carried by the following votes:
(7) Ayes: Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami.

PRESIDENT’S REPORT
President Tagami reported on a meeting scheduled in conjunction with Vice-Mayor Larry Reid to discuss Local Business Utilization and the Airport Terminal Expansion. The meeting was scheduled for March 13th and the public was invited to attend.
EXECUTIVE DIRECTOR’S REPORT

Deputy Executive Director, John Glover, reported on the Port’s participation in the “Read Aloud” program where volunteers read to elementary students in the Oakland Schools.

COMMITTEE REPORTS

Vice-President Ayers-Johnson reported on the February 26th meeting of the Administrative Committee

President Tagami reported on the February 25th meeting of the Aviation Committee

Vice-President Kiang reported on the February 21st meeting of the Audit, Budget & Finance Committee

Commissioner Uribe reported on the February 28th meeting of the Maritime Committee

SUMMARY ITEMS

A motion was made to approve the following “Summary Items”:

5S Approval of Building Permit Application by Sierra Academy of Aeronautics, Inc., to Construct Exterior Tenant Improvements at 9351 Earhart Road, (Building L-142), North Airport, OIA. (Resolution 02064)

6S Ratification of Addendum and Award of Contract for Construction of Third Curbside Improvements, South Airport, OIA. (Resolution 02065)

13S Recommend Approval of New License and Concession Agreement with Laura M. Lee d.b.a. The Reef Restaurant. (Resolution 02067)

36S Authorization to Purchase Software for Use in Analyzing Financial Data for the Port’s C.I.P. (Resolution 02072)

37S Travel Authorization. (Resolution 02073)


- Granting of a building permit application to The Hertz Corporation, for relocation of an existing rental car key kiosk at the South Airport parking lot due to change in the FAA mandated security zone.
- Granting of a building permit application to Avis Rent-A-Car Systems Inc., for the relocation of an existing rental car key kiosk at the South Airport parking lot due to a change in the FAA mandated security zone.

- Second reading and final adoption of: Port Ordinance No. 3685 Being, “An Ordinance Imposing A Customer Facility Charge On Each Person Who Rents An Automobile From A Customer Facility Located On The Airport Or Within The Rental Car Radius; Obligating Each Rental Car Company That Operates A Customer Facility On The Airport Or Within The Rental Car Radius To Collect A Customer Facility Charge From Each Person Who Rents An Automobile From Such Customer Facility And To Remit Such Customer Facility Charge To The Port Of Oakland; Imposing Certain Reporting And Other Obligations On Such Rental Car Companies; And Providing An Effective Date.”

- Second reading and final adoption of: Port Ordinance No. 3686 Being, “An Ordinance Amending Port Ordinance 1606 To Add Section 5(L), Clarifying The Application Of The California Subletting And Subcontracting Fair Practices Act (Public Contract Code §4100 Et Seq.) To Port Contracts; Establishing Exceptions; Delegating To The Executive Director Authority To Implement The Act.”

The motion carried by the following vote: Ayes:7 – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

AIRPORT

1. Proposed 2002 Airline Landing Fees and Tenant Terminal Space Rentals. (Ordinance)

A motion was made that this matter be adopted to print. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

2. Authorization to Dispense with Formal Bids for Award to ARINC Inc., a Contract for the Design, Installation and Maintenance of the Expansion of the Common Systems Equipment (South Airport Terminal 1) and to Accept Informal Bids for ARINC and Ferranti Air Systems Limited for Award of a Flight Information Display System at Oakland International Airport. (Resolution 02062)

A motion was made that this matter be approved. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner
Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami
3. Ratify Action of Staff and Approve First Supplemental Agreement with Master Architect Joint Venture (MAJV) for Master Architect and Design Consultant Services for the Terminal Expansion Program. (Resolution 02063)

A motion was made that this matter be approved. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

COMMERCIAL REAL ESTATE

11. Amendment to Parking Rates for Jack London Square. (Ordinance No. ____________)

The following individuals spoke in opposition to item 11: Gary Knecht of S.O.N.I.C. and Pat Rossi of the Fat Lady Restaurant

A motion was made that this matter be adopted to print. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami


A motion was made that this matter be approved. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

MARITIME

21. Supplemental Agreement with Evergreen Marine Corp. (Taiwan) Ltd. to Accommodate Operations of New Shipping Company Hatsu Marine Ltd. (Resolution 02068)

A motion was made that this matter be approved. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami
31. Approval of an Ordinance Revision of the Port of Oakland Permit Ordinance No. 2082 to allow for Building Permits to be Granted for a Period Longer than 360 Days.

A motion was made that this matter be adopted to print. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

32. Approval to Enter into an Agreement with Nossamun, Guthner, Knox & Elliott, LLP for State Legislative Advocacy Services. (Resolution 02069)

A motion was made that this matter be approved. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

33. Approval to Enter into a First Supplemental Agreement with Platinum Advisors for State Administrative and Regulatory Lobbyist Services. (Resolution 02070)

A motion was made that this matter be approved. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

34. Recommended Approval of Port of Oakland Disadvantaged Business Enterprise FY 01-02 Federal Highway Administration Goals & Methodology Report. (Resolution)

A motion was made that this matter be approved. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami

35. Personnel Items: Creation of Salary Schedules; Creation of Classifications/Positions; and Title Changes & Amendment of Salary Schedule Assignment.

A motion was made that this matter be adopted to print. The motion carried by the following votes: (7) Ayes: – Vice President Ayers-Johnson, Vice-President Kiang, Commissioner Kramer, Commissioner Protopappas, Commissioner Scates, Commissioner Uribe and President Tagami
OPEN FORUM

The following individual spoke during open forum: Sanjiv Handa

ADJOURNMENT

There being no further business, a motion was made to adjourn the meeting.

April 2, 2002

John T. Betterton
Secretary of the Board
REGULAR MEETING OF THE PORT COMMISSIONERS
OF THE
CITY OF OAKLAND

The regular meeting was held on Tuesday, February 19, 2002, at the hour of 3:01 p.m., in the office of the Board, second floor, 530 Water Street, Oakland, California, President Tagami presiding, appropriate notice having been given and posted.

Commissioners present: Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6

Commissioners absent: Scates - 1

Also present were the Executive Director; Deputy Executive Director; Port Attorney; Director of Maritime; Director of Commercial Real Estate; Director of Engineering; Director of Strategic & Policy Planning; Chief Financial Officer; Port Auditor; Director of Communications; Director of Equal Opportunity; Director of Administration; Airport Manager; and Secretary of the Board.

At the hour of 3:03 p.m., the Board entered into closed session pertaining to conference with legal counsel – anticipated litigation, significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 4 matters; conference with real property negotiator, (Government Code Section 54956.8) property – Oakland Army Base, negotiating parties – Port, Oakland Base Reuse Authority, City of Oakland, Oakland Redevelopment Agency, under negotiation – price and terms of payment, property – various parcels, Jack London Square, negotiating parties – Port and Jack London Square Partners, under negotiation – price and terms of payment; and reconvened in open session at the hour of 3:55 p.m.
The minutes of the regular meeting of December 4, 2001 was approved as submitted and ordered filed.


was the subject of a memo to the Board from the Director of Aviation notifying the Board that State legislation was effective on January 1, 2002 enabling rental car companies in California to pass through to their customers a $10.00 per contract customer facility charge that is imposed by an airport. The rental car companies would collect $10.00 from the on-airport rental car customers on behalf of the Port. The legislation limits use of the CFC funds to pay for consolidated rental car facilities and common transportation systems serving them. At Oakland the CFC would generate approximately $6 million in annual revenue to the Port. When common busing commences at Oakland International Airport in approximately January 2003, the off-airport rental car companies would collect a $6.00 per contract CFC from their customers on behalf of the Port to cover the cost of common busing between the February 19, 2002
consolidated interim consolidated facility and the terminal; and is estimated to generate less than $50K in annual revenue to the Port. Several actions are needed to impose the CFC in accordance with the enabling State legislation: amend the Port’s Trust Indenture so the CFC funds may be used for authorized rental projects; pass an ordinance imposing CFC effective April 1, 2002; authorizing a contract with an independent auditor to conduct an audit of CFC expenditures that will comply with the legislation; and modify the Ground Leases for the interim consolidated facility to allow the CFC to cover a portion of the ground rent to reimburse indebtedness for the interim facility. The proposed CFC is necessary to help fund the capital investment in new consolidated rental car customer facilities needed at the Airport. Fund from the CFC would: reimburse the Port for certain costs incurred in site preparation, demolition, upgrading utilities and roadway infrastructure, planning and negotiating the terms for occupancy of the consolidated Interim Rental Car Facility on the North Airport; pay a portion of the debt service on the indebtedness incurred by the Port in the construction of the interim Rental Car Facility with a corresponding reduction in the Base Rent payable by the Participating Rental Car Companies under their Ground Leases with the Port; reimburse the Participating Rental Car Companies for the common busing costs to transport all rental car customers (including off-airport rental car customers) between the Terminal and the consolidated Interim RAC Facility on the North Airport; and pay a portion of the debt service on the indebtedness incurred by the Port to design, finance and construct long term consolidated rental car facilities at and in the new parking garage. To extend such proceeds are pledged, CFCs may be pledged solely to the repayment of the Port debt incurred for the authorized rental car projects. Therefore it is necessary to amend the Port’s Master Trust Indenture to exclude from the general pledge of Port revenues the CFCs, except to the extent CFCs may be used to pay debt service on February 19, 2002.
bonds issued to fund such rental car projects. It is recommended that the Board authorize the
Executive Director to execute an Eleventh Supplemental Trust Indenture with the U.S. Bank, N.A.
as Trustee, authorizing such amendment. To ensure compliance with the legislation, the Port is
retaining the services of Kevin Harper, CPA to set forth audit procedures. Mr. Harper has
previously contracted with the Port Auditor for audit work supporting the Port. It is expected that
the audit will support the imposition of the CFC at the rate of approximately $6 million per year for
at least the next 4 to 5 years, and probably longer. The cost of the audit services is expected to be
approximately $70,000.00. However, since additional audits over the next 2 to 3 years may be
required by statute, the Board is requested to approve an additional $30,000.00, if needed, for such
additional audit services. The proposed First Supplemental Agreement to the Ground Leases with
7 of the 8 rental car companies participating in the Interim Rental Car Facility provides for the
credit to the Base Rent from the use of the CFC funds to pay a portion of the debt service on the
indebtedness incurred by the Port in financing the Interim Rental Car Facility, to impose certain
record submission and record keeping requirements on the Participating Rental Car Companies
relating to the use of the CFC funds to pay the common busing costs, and will make certain other
minor changes to the Ground Lease. It was recommended that the Board impose a Customer
Facility Charge on each person who rents an Automobile from a Customer Facility located on the
Airport or within the Rental Car radius; authorize the Executive Director to execute an Eleventh
Supplemental Trust Indenture with the U.S. Bank, N.A., as Trustee, authorizing such amendment;
authorize the Executive Director and the Port Attorney to take all other actions necessary to
implement the Ordinance provisions and the Eleventh Supplemental Indenture; waive competitive
bidding and award the contract with Kevin Harper, CPA for an amount not to exceed $100,000.00;
February 19, 2002

-4-
and approve the First Supplemental Agreement to Ground Lease for Interim Rental Car Facility with Avis Rent A Car System, Inc., Dollar Rent A Systems, Inc., Budget Rent A Car Systems, Inc., Enterprise Rent A Car Company of San Francisco, Fox Rent A Car, Inc., The Hertz Corporation, and TRAC Team, Inc. It was noted that the action is not dependent upon the Board’s approval of and the bankruptcy court’s approval of the First Supplemental Agreement to the License and Concession Agreement and the First Supplemental Agreement to Ground Lease for Interim Rental Car Facility with National Car Rental System, Inc. or the Board’s approval of their assignment to ANC Rental Corporation or other potential agreements with National Rental Car System, Inc.’s

The recommendations was approved on passage of Resolution No. 02041; Resolution No. 02042; Resolution 02043; and on an ordinance to print.

**Authorization to Dispense with Standard Bidding Procedures for Procurement of Security Checkpoint Equipment** was the subject of a memo to the Board from the Director of Aviation notifying the Board that the Port completed upgrades to the security checkpoints in Terminals 1 and 2 in November and December last year. The upgrades included adding one checkpoint line (x-ray machine/metal detector combination) to the then existing three lines in each terminal (for a total of four lines in each terminal). In anticipation of increased passenger traffic this summer, the Port retained TransSolutions, LLC, to prepare a simulation of passenger flow in Building M-102, where the Terminal 1 security checkpoint is located. The simulation results showed that four checkpoint lines in Terminal 1 would provide an extremely low level of service. In fact, four lines would create an average wait in the queue of over 90 minutes. On the other hand, six lines would keep the maximum wait time in the queue to under 35 minutes during the peak periods, with an average wait time of less than 15 minutes throughout the rest of the day.

February 19, 2002
addition to requiring new security checkpoint equipment (i.e., x-ray machines, metal detectors, and electronic trace detection (ETD) machines) for the new lines, the existing x-ray machines in Terminals 1 and 2 are outdated and in need of replacement, with the exception of one new Heimann Model 6040i x-ray machine in Terminal 2. New x-ray machines are more reliable and provide x-ray technicians with higher resolution images of the contents of carry-on baggage, allowing for faster, more detailed searches and shorter processing times, and x-ray technician training and monitoring features as required by the Federal Aviation Administration (FAA) Transportation Security Administration (TSA). Prior to September 11, 2001, the Aviation and Transportation Security Act, the FAA Security Equipment Integrated Products Team (SEIPT) provided new security checkpoint equipment to airlines as a grant. However, the SEIPT has not yet been funded for this federal fiscal year, and there are many uncertainties as to when FAA/TSA-provided equipment might be available. Further the TSA will be taking over the operation of security checkpoints (from the airlines) nationwide as early as February 2002, including ownership of all equipment. Given the nationwide need for additional equipment (not just in the aviation industry), it is unclear when the TSA would supply additional and/or replacement equipment at Oakland International Airport. It was recommended that the Port procure the additional and replacement security checkpoint equipment directly from the manufacturers with a committed delivery date. Therefore, it was recommended that the Board approve the purchase of 10 new x-ray machines (six for Terminal 1 and four for Terminal 2), two new ETA machines (one for the new lines in Terminal 1 and one for the new line in Terminal 2), and three new metal detectors (two for Terminal 1 and one for Terminal 2). Because the TSA intends to take over the operation of security checkpoints nationwide, including ownership of all equipment, it is anticipated that the FAA/TSA will...
reimburse the Port for the purchase of this equipment, either directly, through Airport Improvement Program (AIP) grants, and/or Passenger Facility Charge (PFC) funding. The procurement agreements will be with Heimann Systems Corporation for the purchase of 10 Heimann Model 6040i (TRX-Type) x-ray machines, not to exceed $650,000.00, and ION Track Instruments for the purchase of two Ion Track Instruments Itemiser ETD machines, not to exceed $80,000.00 and authorize to Ceia USA for two metal detectors and Metorex Security Products for one metal detector, not to exceed $25,500.00 total. The recommendation was approved on passage of Resolution No. 02044.

**Ratification of Change Order to Contract for Overlay of Taxiway D (South of Taxiway M) and Taxiway J, North Field, OIA** was the subject of a memo to the Board from the Director of Engineering notifying the Board of the contract with McGuire and Hester for the overlay of Taxiway D and Taxiway J, North Airport, which became effective on January 18, 2001, for lump sum and unit prices totaling $4,463,223.00. In the fall of 2000, Port staff was finalizing the plans and project manual for the overlay of Runway 11-29. During this overlay, departing plans would use Taxiway W, which was to be converted to a temporary runway, and landing aircraft would use Runway 27L-9R at the Airport’s North Airport. All landing passenger and air cargo aircraft would have to use Taxiway B to travel from the North Airport to the South Airport. Taxiway B was inspected in the fall of 2000, and found to be in fair condition, with some areas beginning to show some signs of needing pavement improvements. It was decided that a re-inspection would be done after the winter rains and prior to overlay of Runway 11-29 in August. This re-inspection indicated that over 5,000 square yards of taxiway B asphalt needed improvements to make it safe during the overlay of Runway 11-29. It was decided that it was in February 19, 2002
the best interests of the Port to make the emergency pavement improvements to Taxiway B as a Change Order to the McGuire and Hester Contract for the Overlay of Taxiways D and J project, at a cost of $110,188.00. It was recommended that the Board ratify this Change Order for $110,188.00 to McGuire and Hester. The recommendation was approved on passage of Resolution No. 02045.

**Ratification of Change Order to Contract for Construction of Dollar Rent-A-Car Utility Infrastructure, North Field, OIA** was the subject of a memo to Board from the Director of Engineering notifying the Board of the contract with LFR Inc., for the Construction of Dollar Rent-A-Car Utility Infrastructure, North Airport. During construction the contractor found the FW line to be in direct conflict with the new sewer line alignment at two locations and imperative to have the FW line relocated first to allow the installation of the new SS line. Also the contract work was being delayed due to unstable subsoil conditions. Due to sufficient uncertainties in the work the Port directed the Contractor to proceed with the relocation work on a force-account basis (time-and-material). The Port’s estimated total cost of the work is $130,000.00. Staff has issued a $75,000.00 change order for this work pending negotiations with the contractor on the final amount. The estimated balance for this work item is $55,000.00. The Contractor discovered unstable subsoil consisting of non-contaminated bay mud throughout the project site. Since bay mud is unstable for use as a backfill material, the Contractor was directed to dispose of this material at Port-approved disposal sites. The contract includes the disposal of non-contaminated fill as a unit-price item ($15.20 per ton) for up to an estimated amount of 1,000 tons. The Contractor actually disposed of 13,500 tons of bay mud. Staff negotiated a rate of $6.80 per ton for this excess quantity, or a total disposal cost of $85,000.00. Staff has written and issued a $37,400.00 change order for this item, February 19, 2002.
leaving a balance of $47,600.00. The Contractor was directed to furnish imported backfill material
to replace the bay mud excavated and disposed of. The contract includes importing backfill
material as a unit price item ($26.60 per ton) for up to an estimated amount of 1,000 tons. The
contractor actually furnished and delivered to the project site 13,500 tons of backfill material. The
Port’s estimated total cost for furnishing this excess quantity of material is $326,600.00 or about
$26.13 per ton. Staff originally issued a $52,000.00 change order for this work item pending
negotiations with the Contractor on the final amount. The estimated balance for this item is
$274,600.00. To resolve outstanding issues for closing out this contract, Staff is currently
negotiating additional change orders estimated at a cost of $100,000.00. This work, which has been
completed, included: relocation of existing power and street lighting conduits inaccurately shown
on the as-built drawings; repair of existing fire protection lines, including installation of new water
valves and chlorination; modification to an electrical switchgear at the request of Port Facilities;
and excavation to identify existing utilities not shown on the contract plans. The total estimated
amount for this change order is $477,200.00. In accordance with Ordinance 1606, Staff’s approval
of change orders on this contract is limited to $219,496.00 (10% of the original contract amount).
It was recommended that the Board ratify this change order for a total estimated amount of
$477,200.00 to LFR, Inc. The recommendation was approved on passage of Resolution No. 02046.

Approval of Consultant Agreement with Kimley-Horn and Associates, Inc., for
Engineering Services for Overlay of Taxiway D and Apron Improvements, South of Building L-812, North Field, OIA was the subject of a memo to the Board from the Director of Aviation
recommending approval to retain the firm of Kimley-Horn and Associates, Inc. to provide
engineering design and construction support services for the overlay of Taxiway D and apron
February 19, 2002

-9-
improvements, South of Building L-812 project. This project consists of overlaying and widening
the taxiway and shoulder of Taxiway D (south of Building L-812); installing new taxiway lights
and signs; modifying/raising existing storm drainage and utility structures; pavement striping and
marking; installation of two 48” diameter storm drain lines along Taxiway D; installation of two
48” diameter storm drain lines along Earhart Road; installation of a 10” diameter fire protection
water line; and reconstruction of the apron between Taxiway D and Building L-812. The length of
Taxiway D to be modified is approximately 1,000 feet and will conform to the newly completed
Taxiways D and J overlay project. The recommendation was approved on passage of Resolution
No. 02047.

Approval of Consultant Agreement with HNTB to Provide Specialized Professional
Consulting Services to Assist in the Preparation of Environmental Documentation for the
Airport Development Program was the subject of a memo to the Board from the Director of
Engineering notifying the Board that on December 16, 1997, the Board certified a Final
Environmental Impact Report (FEIR) for the Port’s Airport Development Program (ADP). The
Board’s certification was challenged in court. The State Court of Appeal rules for the Port on
several counts, but required the Port to complete a Supplemental EIR (SEIR) to address potential
increases in toxic air contaminant emissions and potential related health and environmental risks,
potential increases in nighttime aircraft noise and potential impacts on the burrowing owl.
Subsequently, the Port negotiated and executed a First Phase Settlement Agreement with the
petitioners to the litigation that allows twelve of the ADP projects to proceed while the Port
completes the SEIR. Since the Port became aware of the State Court of Appeal ruling, Port staff
has worked diligently to develop a project management plan consistent with Port project
February 19, 2002
management procedures. This project management plan reflects the assessment of Port staff of the activities and resources that are required to complete the supplemental environmental analysis and SEIR document. In order to accomplish these tasks within the project time frame, it was recommended that the Board authorize an agreement with HNTB. HNTB’s scope of services will be to assist in the Port’s internal strategic planning, scoping, and SEIR documentation efforts. HNTB will accomplish its scope of services primarily through the assignment of a dedicated HNTB staff person to the Port’s SEIR project, with a focus on daily environmental and strategic planning support. The professional services agreement will provide compensation not to exceed the contract maximum of $230,000.00 with additional work up to $50,000.00, if required. The recommendation was approved on passage of Resolution No. 02048.

**Approval of New License and Concession Agreement with Avis Rent A Car System, Inc. and Adoption of Resolution for a Building Permit for Vehicle Overflow Parking (Adjacent to Building L-814, North Airport)** was the subject of a memo to the Board from the Director of Aviation recommending approval of a one-year Agreement with Avis, for a parking lot and rental car parking storage on the North Airport. Avis seeks both a permit to re-surface and/or recondition the vacant, approximately 38,000 square feet, semi-paved, former FedEx truck area. The recommendation was approved on passage of Resolution No. 02049.

**Approval of First Supplemental to License and Concession Agreement and First Supplemental Agreement to Ground Lease for Interim Rental Car Facility with National Car Rental System, Inc., as Amended** was the subject of a memo to the Board from the Director of Aviation notifying the Board that National Car Rental System, Inc. (National) is one of the eight rental car companies participating in the interim consolidated, rental car facility on the North
Airport. National is a subsidiary of ANC Rental Corporation, and a sister company under ANCE to Alamo Rental Car. The companies operate independently and appeal to two different customer segments, business and leisure. Alamo was invited to, but did not, sign the MOU to participate the interim consolidated facility. The events of September 11, 2001 and the resultant downturn in travel put extreme pressure on ANC to restructure its businesses. It filed under Chapter 11 of the United States Bankruptcy Code on November 13, 2001. At the time that ANC filed for bankruptcy, National was in arrears $91,000.00 on prepetition rents. As part of its restructuring plans, ANC has been seeking assignment of on-airport agreements of its subsidiary companies in order to operate both brands from shared rental car facilities (dual branding). Following negotiations with ANC, with respect to the lease and license of the Interim car rental facilities, ANC has agreed that it will operate from those and other on-airport facilities (under month-to-month hold-over provisions of three lease and concession agreements), only under the National brand name. As part of ANC’s bankruptcy reorganization plan, ANC requested that it be allowed to operate under its two brands, National and Alamo. This request was considered and is not recommended for approval for the Interim Facility. As a result, ANC has withdrawn its request. However, because the Port desires the fullest possible competition for operators at the long term rental car facilities and ANC, along with other rental car companies with similar corporate structures, will be allowed to compete and be considered to use long term rental car premises under more than one brand name when the long term rental car facilities are offered. It was recommended that the Board approve and authorize the Executive Director to execute the License and Concession Agreement for the Interim Car Rental Facilities and First Supplemental Agreement to the License and Concession Agreement and the Lease for the Interim Car Rental Facilities and First Supplemental Agreement to the Lease with February 19, 2002
Director of Maritime recommending approval to enter into a contract for $32,500.00 with Martin Associates for the preparation of a comprehensive study that will identify key exporters and importers throughout California and the Nation. In addition, the company will match these shippers to State Legislative Districts in California, and the Federal Congressional Districts inside of California and also outside of the state. By doing so, it will be able to more fully show the Port’s many positive impacts on many Congressional and State Legislative Districts. By showing the Port’s value to their Districts, it is believed they will be more likely to support the Port’s projects/funding requests. The recommendation was approved on passage of Resolution No. 02052.

Authorization to Include the Construction of Gear Storage Building D-139 at Berths 57-59 Inner Harbor Channel, Vision 2000, in the Port’s Small Business Program was the planned construction of the Gear Storage Building to take place within the Berths 57-59 Terminal container yard. The Gear Storage Building will provide a facility for the Berths 57-59 tenant to store equipment used to for the berthing and unloading of cargo shipping vessels and recommending that the Construction of the Gear Storage Building at Berths 57-59, Inner Harbor Channel, be included in the Port’s Small Business Program, and that it be found to be in the best interests of the Port to dispense with standard bidding procedures. It was also recommended that the Executive Director be authorized to execute a contract for this work with a small local contractor who submits an acceptable proposal. It was further recommended that the Executive Director be authorized to execute a contract for this work with any qualified contractor, based on
competitive proposals, if the attempt to secure acceptable bids from small local contractors is not successful. The recommendation was approved on passage of Resolution No. 02053.

**Personnel Items** contained in a memo to the Board from the Deputy Executive Director recommending approval of a salary adjustment for Steven Grossman, Director of Aviation from $12,453.00 per month to $14,584.00 per month. After considerable discussion, the recommendation was approved on passage of Resolution No. 02061.

**Travel Authorization** was the subject of a memo to the Board from the Secretary of the Board recommending approval for the travel of Terry Smalley, Supervising Electrical/Mechanical Engineer and Carlos Palza, Principal Electrical/Mechanical Technician, to Shanghai, China, on or about February 20 to March 8, 2002, to inspect the new cranes prior to shipment. The recommendation was approved on passage of Resolution No. 02054.

**Request for Authorization to Engage Hale & Estrada LLC for Professional Services**

**Related to Filling the Vacant Position of Director of Corporate Administrative Services** was the subject of a memo to the Board from the Deputy Executive Director recommending approval to engage the services of Hale & Estrada LLC for executive search services to fill the vacant position of Director of Corporate Administrative Services for a contract fee not to exceed $25,000.00. The recommendation was approved on passage of Resolution No. 02055.

**Amending Port Ordinance No. 1606** was the subject of a letter to the Board from the Port Attorney recommending approval of an amendment to Port Ordinance No. 1606, clarifying the application of the Subletting and Subcontracting Fair Practices Act to Port contracts with respect to alternative project delivery processes, and delegating to the Executive Director the authority to implement the Act. Under the California Subletting and Subcontracting Fair Practices Act, February 19, 2002
contractors submitting bids on public works contracts are required to list with their bids the names of all subcontractors that will furnish work in excess of 0.5% of the contract price. The purpose of the Act is to protect the public in general and subcontractors in particular from bid shopping and bid peddling. Under the Act, the prime contractor is required to use the subcontractor that it originally listed in its bid. The prime contractor may only substitute another subcontractor with the approval of the awarding agency. Because the Port operates under the Oakland City Charter, it is generally exempt from the requirements of the Public Contract Code. Notwithstanding, the Port has historically applied the Act to its public works contracts in recognition of the sound policy it represents. However, as the Port progresses through its ambitious capital improvement program it will begin to utilize non-traditional project delivery processes such as design-build and construction manager at risk. Under these approaches, the project owner executes a contract with the contractor before the design-documents are completed. It is therefore impractical or impossible for the bidder to identify all the subcontractors at the time it submits its proposal. The proposed ordinance makes three important clarifications in the application of the Act to Port public works contracts. First, it preserves the essential requirement that bidders submit a list of subcontractors, but allows the Port flexibility to establish a date for the submission of the subcontractor list after execution of the contract. The flexibility is not unlimited. Under the draft ordinance, the date specified in the contract documents for submission of the subcontractor list after execution of the contract. The flexibility is not unlimited. Under the draft ordinance, the date specified in the contract documents for submission of the subcontractor list cannot be later than the date on which the Port approves the design for the project. The draft ordinance also provides that for projects which will be delivered in multiple phases, the Port may permit the bidder to submit its subcontractor information prior to the February 19, 2002
commencement of work on each phase. Second, the Board sometimes authorizes a waiver of standard bidding procedures and authorizes the Executive Director to award the contract based on complete plans and specifications. In such circumstances, the ordinance provides that the date for submission of subcontractor information shall not be later than the date the contractor executes the contract. Third, the proposed ordinance delegates to the Executive Director, or his or her designee, the responsibility of implementing the Act. Finally, a provision making explicit the Board’s inherent authority to exempt any contract from the application of the subcontractor listing law. Thus, the Board will maintain the maximum flexibility to develop innovative project delivery methods as the Port’s needs evolve in the future. The recommendation was approved on passage of an ordinance to print.

As provided in the ByLaws, the Board elected John T. Betterton as Secretary of the Board as the incumbent election of officers. Christopher C. Marshall is retiring from the Port. The election was confirmed on passage of Resolution No. 02060.

The following resolutions were introduced and passed separately by the following vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6

Noes: None

Absent: Commissioner Scates - 1

"RESOLUTION NO. 02041

FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH KEVIN HARPER, CPA FOR CONDUCTING AN AUDIT OF AGREED UPON PROCEDURES FOR CUSTOMER FACILITY CHARGE CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT."

February 19, 2002
“RESOLUTION NO. 02042

AUTHORIZING THE EXECUTION AND DELIVERY OF AN ELEVENTH SUPPLEMENTAL TRUST INDENTURE TO COMPORT WITH THE REVISIONS OF SECTION 1936 OF THE CALIFORNIA CIVIL CODE.”

“RESOLUTION NO. 02043

APPROVING AND AUTHORIZING EXECUTION OF FIRST SUPPLEMENTAL AGREEMENT TO GROUND LEASE FOR INTERIM CONSOLIDATED RENTAL CAR FACILITIES.”

“RESOLUTION NO. 02044

FINDING AND DETERMINING THAT IS IN THE BEST INTEREST OF THE PORT TO PROCURE ON THE OPEN MARKET, WITHOUT COMPETITIVE BIDDING, FROM HEIMANN SYSTEMS CORPORATION, TEN HEIMAN MODEL 60401 (TRX-TYPE) X-RAY MACHINES, AND UPON INFORMAL PROPOSALS, TWO ION TRACK INSTRUMENT ITEMIZER ETD MACHINES, AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE PROCUREMENT CONTRACTS FOR SAME.”

“RESOLUTION NO. 02045

APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH McGUIRE AND HESTER FOR OVERLAY OF TAXIWAY D (SOUTH OF TAXIWAY M) AND TAXIWAY J, NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA.”

“RESOLUTION NO. 02046

APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH LFR, INC. FOR CONSTRUCTION OF DOLLAR RENT-A-CAR UTILITY INFRASTRUCTURE, NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA.”

February 19, 2002
“RESOLUTION NO. 02047

FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH HORN AND ASSOCIATES, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.”

“RESOLUTION NO. 02048

FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH HNTB FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.”

“RESOLUTION NO. 02049

APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT AND BUILDING PERMIT WITH AVIS RENT A CAR SYSTEM, INC.”

“RESOLUTION NO. 02050

APPROVING AND AUTHORIZING EXECUTION OF A FIRST SUPPLEMENTAL AGREEMENT TO LICENSE AND CONCESSION AGREEMENT, AND A FIRST SUPPLEMENTAL AGREEMENT TO GROUND LEASE FOR INTERIM RENTAL CAR FACILITY WITH NATIONAL CAR RENTAL SYSTEM, INC. AS AMENDED.”

“RESOLUTION NO. 02051

APPROVING AND AUTHORIZING THE EXECUTION OF SUBLEASES WITH JACK LONDON SQUARE PARTNERS.”

“RESOLUTION NO. 02052

FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH MARTIN ASSOCIATES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.”

February 19, 2002
“RESOLUTION NO. 02053

GRANTING AUTHORIZATION TO INCLUDE THE CONSTRUCTION OF GEAR STORAGE BUILDING D-139 AT BERTHS 57-59 INNER HARBOR CHANNEL, VISION 2000, OAKLAND, CALIFORNIA, IN THE SMALL BUSINESS PROGRAM, FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO CONTRACT FOR SUCH WORK WITHOUT COMPETITIVE BIDDING; AND AUTHORIZING EXECUTION OF A CONTRACT FOR SUCH WORK BASED ON RECEIPT OF INFORMAL PROPOSALS.”

“RESOLUTION NO. 02054

CONCERNING CERTAIN TRAVEL.”

“RESOLUTION NO. 02055

FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH HALE & ESTRADA FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.”

“RESOLUTION NO. 02056

GRANTING ENTERPRISE RENT A CAR COMPANY OF SAN FRANCISCO, PERMISSION TO PERFORM CERTAIN WORK.”

“RESOLUTION NO. 02057

GRANTING RYAN INTERNATIONAL AIRLINES, PERMISSION TO PERFORM CERTAIN WORK.”

“RESOLUTION NO. 02058

APPROVING AND AUTHORIZING EXECUTION OF A JOINT DEFENSE, COMMON INTEREST AND CONFIDENTIALITY AGREEMENT WITH CA ONE SERVICES, INC.”

February 19, 2002
“RESOLUTION NO. 02059

APPROVING APPOINTMENT OF SPECIAL COUNSEL.”

“RESOLUTION NO. 02060

DECLARING ELECTION OF OFFICER OF THE BOARD OF PORT COMMISSIONERS.”

The following resolutions were introduced and passed separately by the following vote:

Ayes: Commissioners Kiang, Kramer, Protopappas, Uribe and President Tagami - 5

Noes: Commissioner Ayers-Johnson - 1

Absent: Commissioner Scates - 1

“RESOLUTION NO. 02061

APPROVING SALARY ADJUSTMENT OF DIRECTOR OF AVIATION.”

Port Ordinance No. 3682 being, “AN ORDINANCE APPROVING ADDITIONAL SIGNATORIES TO THE AIRLINE OPERATING AGREEMENT AND SPACE/USE PERMIT AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT,” and Port Ordinance No. 3683 being, “AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NONEXCLUSIVE PREFERENTIAL ASSIGNMENT AGREEMENT WITH AMERICAN PRESIDENT LINES, LTD,” and Port Ordinance No. 3684 being, “AN ORDINANCE AUTHORIZING AND APPROVING THE EXECUTION OF A NONEXCLUSIVE PREFERENTIAL ASSIGNMENT AGREEMENT WITH EVERGREEN MARINE CORP. (TAIWAN) LTD,” was read a second time and passed by the following vote:

February 19, 2002
Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6

Noes: None

Absent: Commissioner Scates - 1

Port Ordinance No. ___ being, “AN ORDINANCE IMPOSING A CUSTOMER FACILITY CHARGE ON EACH PERSON WHO RENTS AN AUTOMOBILE FROM A CUSTOMER FACILITY LOCATED ON THE AIRPORT OR WITHIN THE RENTAL CAR RADIUS; OBLIGATING EACH RENTAL CAR COMPANY THAT OPERATES A CUSTOMER FACILITY ON THE AIRPORT OR WITHIN THE RENTAL CAR RADIUS TO COLLECT A CUSTOMER FACILITY CHARGE FROM EACH PERSON WHO RENTS AN AUTOMOBILE FROM SUCH CUSTOMER FACILITY AND TO REMIT SUCH CUSTOMER FACILITY CHARGE TO THE PORT OF OAKLAND; IMPOSING CERTAIN REPORTING AND OTHER OBLIGATIONS ON SUCH RENTAL CAR COMPANIES; AND PROVIDING AN EFFECTIVE DATE,” and Port Ordinance No. ___ being, “AN ORDINANCE AMENDING PORT ORDINANCE 1606 TO ADD SECTION 5(L), CLARIFYING THE APPLICATION OF THE CALIFORNIA SUBLETTING AND SUBCONTRACTING FAIR PRACTICES ACT (PUBLIC CONTRACT CODE §4100 ET SEQ.) TO PORT CONTRACTS; ESTABLISHING EXCEPTIONS; DELEGATING TO THE EXECUTIVE DIRECTOR AUTHORITY TO IMPLEMENT THE ACT,” were read a first time and passed to print by the following vote:

February 19, 2002 -22-
Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6

Noes: None

Absent: Commissioner Scates – 1

At the hour of 5:32 p.m. the meeting was adjourned on an motion duly made and seconded.

[Signature]

Secretary of the Board

February 19, 2002
REGULAR MEETING OF THE PORT COMMISSIONERS
OF THE
CITY OF OAKLAND

The regular meeting was held on Tuesday, February 5, 2002, at the hour of 3:03 p.m., in the office of the Board, second floor, 530 Water Street, Oakland, California, President Tagami presiding, appropriate notice having been given and posted.

Commissioners present: Ayers-Johnson, Kiang, Protopappas, Scates and President Tagami - 5

Commissioners absent: Kramer and Uribe - 2

Also present were the Executive Director; Deputy Executive Director; Port Attorney; Director of Maritime; Director of Commercial Real Estate; Director of Engineering; Director of Strategic & Policy Planning; Chief Financial Officer; Port Auditor; Director of Communications; Director of Equal Opportunity; Director of Administration; Airport Manager; and Secretary of the Board.

At the hour of 3:10 p.m., the Board entered into closed session pertaining to conference with legal counsel – anticipated litigation, significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 4 matters; conference with legal counsel – existing litigation, pursuant to subdivision (a) of section 54956.9: Names of Cases: Berkeley Jets Over the Bay et al v. Port of Oakland, et al., California Court of Appeal Case Nos. A086708/A087959/A089660, People of the State of California v. Federal Energy Regulatory Commission and Public Utilities Commission of the State of California v. Federal Energy Regulatory Commission, Case Nos. 01-71944 and 01-71934, United States Ninth Circuit Court of Appeals; conference with real property negotiator,
The minutes of the regular meeting of November 20, 2001 was approved as submitted and ordered filed.

**Ratification of Change Order for Construction of 12.4kV Circuit Between SS-8 and SS-5A, South Field, OIA** was the subject of a memo to the Board from the Director of Engineering notifying the Board of the contract with Rosedin Electric, Inc., for construction of 12.47kV circuit between SS-8 and SS-5A, South Field, for a lump sum price of $427,015.00. The project consists of pulling cable and installing Port-provided switchgear that will integrate electrical substation SS-8 into the Airport high voltage power loop. This project required a scheduled four-day shutdown of SS-8. Originally, power required during the shutdown for FedEx, the ARFF Facility, the FedEx Annex, and other smaller loads would be provided by a combination of Port-rented and existing on-site tenant-owned generators. Prior to the shutdown, Port Engineering staff met with FedEx and Airport Facilities staff. Engineering was informed that neither FedEx nor Airport Facilities staff had the manpower and other required resources to take responsibility for setting-up, operating, fueling, and maintaining the site or rented generators for the four-day shutdown period. It was determined that it would be in the best interests of the Port and Airport
tenants to place the responsibility for generator power on the Contractor and an experienced power generator rental company. Rosendin proposed a daily rate of $23,117.00 for the rental of all generators. The total cost of this Change Order for the four-day shutdown period was negotiated to an agreed amount of $76,512.00. It was recommended that the Board ratify this Change Order for $76,512.00 to Rosendin Electric, Inc., for the described work. The recommendations was approved on passage of Resolution No. 02025.

Approval of New License and Concession Agreement with Bay Air, Inc. and John Roth for Additional Apron Space was the subject of a memo to the Board from the Director of Aviation notifying the Board that Bay Air, Inc. and John Roth (Bay Air), occupants of approximately 33,093 square feet of hangar and apron space at Bay C of Hangar 7, seek additional aircraft parking area. As no such space is available at Hangar 7, Bay Air is requesting available apron space at nearby Bay D of Hangar 8. It was recommended that the Board approve a new agreement covering space at Hangar 8. Pursuant to the Agreement, the aircraft parking only use would remain the same; monthly rent would be $623.00 on August 1, 2001 and increase at the same rate to $685.90 on September 1, 2001. The Agreement, which would include a standard thirty day mutual cancellation provision, would give Bay Air neither implied nor expressed rights to provide retail (e.g. primary or secondary) fueling services. The recommendation was approved on passage of Resolution No. 02026.

Approval of License and Concession Agreement with ADSD, Inc. dba A.P. Enterprises was the subject of a memo to the Board from the Director of Aviation recommending approval of a new agreement with ADSD, Inc. dba A.P. Enterprises for access to the South Airport to repair ground service equipment. No premises are occupied by A.P. Enterprises. The monthly February 5, 2002
rent is $250.00 or 10% of gross revenues, whichever is greater. The recommendation was approved on passage of Resolution No. 0207.

**First Reading of Ordinance Approving Additional Signatories to the Airline Operating Agreement and Space/Use Permit at Oakland International Airport** was the subject of a memo to Board from the Director of Aviation recommending approval for the addition of new signatories to the Port’s standardized Airline Operating Agreement and Space/Use Permit for commercial and cargo air carriers, as well as other aviation-related operators (e.g., ground handlers, passenger security screening companies, skycap services) at the Airport. The additional carrier is American Eagle Airlines; and the additional operators are: Evergreen Aviation Ground Logistics Enterprises and One Source Building Services. The recommendation was approved on passage of an ordinance to print.

**Approval of License and Concession Agreement with Cal-Air Aviation Services, Inc.** was the subject of a memo to the Board from the Director of Aviation recommending approval of an agreement with Cal-Air Aviation Services, Inc, for access to the South Airport to perform visual transit inspections of aircraft. No premises are occupied by Cal-Air under the agreements. The monthly rent is $250.00 or 10% of gross revenues, whichever is greater. The recommendation was approved on passage of Resolution No. 0208.

**Ratification of Addenda and Award of Contract for Construction of Interim Ticket Counters, Building M-102, OIA** was the subject of a memo to the Board from the Director of Engineering notifying the Board of the six bids received and recommending award of the contract to Stevelle Construction Co., Inc., the low bidder, at $1,866,889.00. Addendum No. 1 included a revised version of associated construction documents; and addendum No. 2 allowed bidders to February 5, 2002
employ a specialty supplier of baggage handling systems equal to that specified in the original document. The bid date was postponed to January 11, 2002 to allow time for the bidders to revise their bids accordingly, if they wished. The recommendation was approved on passage of Resolution No. 02029.

**Plans and Project Manual for Construction of Asphalt Concrete Overlay of Runway 9L-27R, North Field, OIA** was the subject of a memo to the Board from the Director of Engineering recommending their approval and authority to advertise for bids. The work consists of constructing an asphalt concrete overlay of Runway 9L-27R and portions of Taxiways “E”, “F”, “G” and “H” and related work. The recommendation was approved on passage of Resolution No. 02030.

**Recommend Approval of a New License and Concession Agreement with National Furniture Liquidators, Inc. for 44,792 Square Feet of Warehouse and Office Space for Premises** was the subject of a memo to the Board from the Director of Commercial Real Estate recommending approval of a new agreement. The Agreement will extend NFL’s occupancy for one year and will expire on March 4, 2003, for 40,792 square feet of warehouse space and 4,000 square feet of office space, at 845 Embarcadero, at $15,293.00 per month. The recommendation was approved on passage of Resolution No. 02031.

**Approval of First Supplemental Agreement with URS Corporation to Complete Maritime Environmental Projects** was the subject of a memo to the Board from the Director of Engineering notifying the Board that URS Corporation, an environmental consulting services, and engineering firm, has an existing professional services contract with the Port to provide as-needed environmental consulting services. URS designed and oversaw the construction of a diesel product February 5, 2002
and groundwater extraction system serving an area known as the Trailer-on-Flat-Car (TOFC) in the former Union Pacific Railyard. In late October 2001, soon after the extraction system was completed, it was extensively damaged by the Berths 57-59 yard contractor. The cost of repairs, which will be recovered through insurance, diverted approximately $166,000.00 in URS contract funds from other projects and the URS contract budget was essentially depleted. The listed projects at Berth 59 were assigned to URS, and work which was begun would have been completed under the original contract monetary limit if not for the diversion of funds to repair the TOFC treatment plan: support transfer of operation of the TOFC extraction and treatment system to a service contractor; complete design of ground water extraction system, consultation during construction and start-up, integrate into TOFC treatment system; and develop long-term plan for eventual closure of the TOFC treatment system in the Berth 59 area. The Port estimates the cost of completing these services will not exceed $200,000.00. This includes $166,000.00 diverted from the original contract and a contingency of $34,000.00 to cover any as yet undiscovered damage to the TOFC Treatment system or other unanticipated site conditions. The new total proposal maximum compensation would be $1,050,000.00. The recommendation was approved on passage of Resolution No. 02032.

**New Non-Exclusive Preferential Assignment with American President Lines (APL)**

was the subject of a memo to the Board from the Director of Maritime notifying the Board that the initial term of the various Agreements for the premises at Berths 60 – 63 which are assigned to American President lines (APL) expired July 31, 2001. These Agreements are collectively referred to for convenience as the “Original Agreement”. APL owns and operates 3 cranes at the facility. The APL Berths 60 – 63 facility in its current configuration is old and in need of rehabilitation. February 5, 2002
Seatrain Lines commenced operations in 1968 and U.S. Lines occupied and had adjoining operations until its bankruptcy in 1987. The combining of the two previous terminals along with the age of the gate, buildings and yard pavement result in a facility that is crowded when compared to current standards for a marine container terminal. Accordingly, APL and the Port have been negotiating capital improvements of approximately $45 million to be funded by the Port. APL will also be investing in a new gantry crane for the facility. Given the age and condition of the facility it is proposed that a new Agreement be authorized containing the following elements. A fifteen year term with two additional option periods of 5 years each. The premises include a total land area of approximately 79.38 acres and a total berthing area of approximately 9.17 acres. Major portions of the $45 million in work to the facility will include demolition and/or reconstruction of the maintenance and marine operations buildings, the reefer wash facility and the outbound canopy. The container yard pavement will also be reconstructed. The electrical and lighting systems will be refurbished and work will be done to the reefer bunkers and racks. APL will have the right to assign the new Agreement to Eagle Marine, its terminal operating subsidiary, provided that APL remain liable under the Agreement. The new Agreement will continue to treat APL cargo from APL ships and APL cargo from Mitsui OSK Lines/Hyundai Merchant Marine vessels working at Berth 30 (TRAPAC) as primary use cargo for compensation purposes at the APL Terminal. Hyundai cargo from/to APL ships at the APL Premises shall continue to be treated on a Secondary Use Cargo basis for purposes of compensation under the secondary use provisions of the Berth 30 Tra Pac terms. Matson cargo from APL ships at the APL Terminal will continue to be treated under the compensation terms of the Matson Lease Agreement. Mitsui cargo from or to APL ships at the APL Premises will continue to be subject to the Berth 30 use provisions for compensation.

February 5, 2002
purposes. APL vessels and cargo as well as all existing other users of the existing Berths 60-63 which are classified as secondary users as of August 1, 2001, shall be considered primary users and will be credited towards the primary use Minimum Annual Guarantee and Breakpoint (MAG/BP). These users which shall be considered as primary are ANZDL, Columbus, FESCO and P&O Nedloyd (collectively referred to as the Oceania Group), Star Shipping and Toyofuji. The annual breakpoint (BP) for all primary use shall be 218,000 loaded twenty foot equivalent units (TEU). All renovation to the buildings must be completed before the Port is compensated at the MAG level of $9,600,000.00. All loaded TEUs which exceed the BP of 218,000 loaded TEUs during construction shall be assessed the BP rate of $25.00. APL will take a rental increase from approximately $5.7 million annual to $6.8 million annually during rehabilitation. The new compensation of 6.8 million annually will escalate as completed construction is phased in so that APL will guarantee to the Port 9.6 million annually when the work is completed. It was recommended that the Board give first reading to an ordinance approving and authorizing the execution of a new Non-Exclusive Preferential Assignment Agreement, or agreements, with APL. The recommendation was approved on passage of an ordinance to print.

Non-Exclusive Preferential Assignment Agreement with Evergreen Marine Corporation (Taiwan) Ltd.

was the subject of a memo to the Board from the Director of Maritime notifying the Board that Marine Terminals Corporation (MTC) operates and provides terminal services at the Ben E. Nutter Terminal under a Management Agreement, which expires June 30, 2004. The Nutter Terminal is a public container terminal comprised of approximately 58 acres and four gantry cranes. Several shipping lines operate at the Nutter Terminal under Separate Terminal Use Agreements (TUA) with the Port: China Shipping; Yang Ming; and Evergreen Line.
Evergreen is now the largest user of the Nutter Terminal. Last October, Evergreen approached the Port seeking a new Non-Exclusive Preferential Assignment Agreement for the entire Nutter Terminal. The key elements to the proposed new Preferential Assignment Agreement include a term of ten years with two five-year options. It is anticipated that Evergreen and MTC will form a limited liability corporation to jointly operate the Nutter Terminal. The Port would agree not unreasonably to withhold its approval to an assignment of the proposed Agreement to the limited liability, but Evergreen would remain responsible under the Agreement. The primary use for compensation purposes will consist of Evergreen, as well as, all current users of the Nutter Terminal as of January 1, 2002. All “new users” shall also be considered primary users. A new user is considered a shipping line neither of whose cargo or vessels have used any Port maritime facilities in the last twelve months before becoming a new user. Terminal of the existing Evergreen TUA and the MTC Management Agreement would be a required condition for the new Agreement with Evergreen to become effective. Evergreen will be subject to various levels and minimum annual guarantees (MAG) for primary use: contract years 1-2 starting at $9,015,000.00 for the first two years and increasing to $11,603,853.00 for years 6-10. There are considerable incentives for discretionary IPI cargo which generally would provide new cargo amount for the Port. The Port stands to gain an estimated $1.5 million dollar annual incremental revenue increase for each of contract years one through two. Additionally, the annual incremental revenue increase for each of contract years three through five can be up to $2.5 million. It was recommended that the Board pass a resolution approving, and authorizing execution of an agreement with Marine Terminals Corporation to terminate its existing Management Agreement for the Nutter Terminal, and approving and authorizing execution of agreements with the TUA users of the Nutter Terminal to February 5, 2002
terminate the TUAs; and give first reading to an ordinance approving and authorizing execution of
the proposed new Non-Exclusive Preferential Assignment Agreement with Evergreen for the Nutter
Terminal. The recommendation was approved on passage of Resolution No. 02034 and on an
ordinance to print.

**Ratification of Addendum and Award of Contract for Construction of Crane**

*Maintenance Building D-137 at Berths 57-59, Vision 2000* was the subject of a memo to the
Board from the Director of Engineering notifying the Board of the six bids received and
recommending award of the contract to W.E. Lyons Construction Co., the low bidder, at
$918,533.00. Addendum No. 1 was issued by the Chief Engineer to make minor changes to the
Plans and Project Manual. The Addendum did not significantly change the physical work of the
contact. The recommendation was approved on passage of Resolution No. 02033.

**Approval to Enter into an Agreement with KPIX-TV to Participate in Public Affairs**

*Programming* was the subject of a memo to the Board from the Director of Communications
recommending approval to enter into an agreement with KPIX-TV – Channel 5, for the production
and development of a 2-3 minute promotional video and a 30-second corporate image message,
which would become the Port’s property and can be used for educational and promotional
purposes. The videos, programming, television and radio broadcasts will give the Port the
opportunity to highlight the Port’s contributions to the community. This proposal includes
significant television and radio exposure in the form of airtime for: 30-second messages – KPIX
Television; 60-second messages – KCBS Radio; 2-minute piece – KPIX Television; 30-second
promo announcements and live sports billboard announcements – KCBS Radio; and internet
exposure on KPIX.com and KCBS.com. KPIX Television values the production and media buys at
February 5, 2002

-10-
a conservative $108,000.00. The Port’s actual investment is $60,000.00. The recommendation was approved on passage of Resolution No. 02035.

**Approval of a Resolution in Support of State Proposition 42 Regarding Transportation Funding and Use Tax Revenues** was the subject of a memo to the Board from the Director of Communications notifying the Board that this March, the voters of the State of California will have the opportunity to vote on Proposition 42. California currently spends more than $15 billion annually for its transportation infrastructure. Approximately one-half of these revenues come from the local level with the remainder coming from state and federal levels. In the past, revenues from gasoline sales tax have gone primarily into the general fund with very little going toward transportation projects. This Proposition continues the practice of using gasoline taxes for transportation purposes and stops the state from taking these funds and utilizing them for other purposes beyond the year 2008. The Port of Oakland would be particularly impacted, since the BART-Oakland International Airport Connector project is slated to receive significant funding for the project through this revenue stream. It was recommended that the Board adopt a resolution endorsing Proposition 42. The recommendation was approved on passage of Resolution No. 02036.

**Personnel Items** contained in a memo to the Board from the Deputy Executive Director recommending the termination of Carmelia Cravatt, Assistant Port Construction Administrator, in the Engineering Construction Department, during probation, effective the close of the workday of February 6, 2002. The recommendation was approved on passage of Resolution No. 02037.
The following resolutions were introduced and passed separately by the following vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Protopappas, Scates and President Tagami - 5

Noes: None

Absent: Commissioners Kramer and Uribe - 2

“RESOLUTION NO. 02025

APPROVING AND RATIFYING ISSUANCE OF CHANGE ORDER FOR CONTRACT WITH ROSENDIN ELECTRIC, INC. FOR CONSTRUCTION OF 12.24Kv CIRCUIT BETWEEN SS-8 AND DSS-5A, SOUTH FIELD, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA.”

“RESOLUTION NO. 02026

APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH BAYAIR, INC., AND MR. JOHN ROTH.”

“RESOLUTION NO. 02027

APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH ADSD, INC., DOING BUSINESS AS A.P. ENTERPRISES.”

“RESOLUTION NO. 02028

APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH CAL-AIR AVIATION SERVICES, INC.”

“RESOLUTION NO. 02029

RATIFYING AND APPROVING ADDENDA TO PLANS AND SPECIFICATIONS OF INTERIM TICKET COUNTERS, BUILDING M-102, OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA; AND AWARDING CONTRACT TO STEVELLE CONSTRUCTION CO., INC., FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS.”

February 5, 2002
“RESOLUTION NO. 02030

APPROVING PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF ASPHALT CONCRETE OVERLAY OF RUNWAY 9L-27R, NORTH FIELD OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, AND CALLING FOR BIDS THEREFOR.”

“RESOLUTION NO. 02031

APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH NATIONAL FURNITURE LIQUIDATORS, INC.”

“RESOLUTION NO. 02032

FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH URS CORPORATION FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.”

“RESOLUTION NO. 02033

RATIFYING AND APPROVING ADDENDUM TO PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF CRANE MAINTENANCE BUILDING D-137 AT BERTHS 57-59, VISION 2000, OAKLAND, CALIFORNIA; AND AWARDING CONTRACT TO W.E. LYONS CONSTRUCTION CO., FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS.”

“RESOLUTION NO. 02034

APPROVING AND AUTHORIZING EXECUTION OF AGREEMENTS TERMINATING MARINE TERMINALS CORPORATION MANAGEMENT AGREEMENT AND EVERGREEN MARINE CORP. (TAIWAN) LTD. TERMINAL USE AGREEMENT (BEN E. NUTTER CONTAINER TERMINAL).”

“RESOLUTION NO. 02035

FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH KPIX TELEVISION FOR PUBLIC AFFAIRS PROGRAMMING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.”
“RESOLUTION NO. 02036

AUTHORIZING THE BOARD OF PORT COMMISSIONERS TO SUPPORT STATE PROPOSITION 42.”

“RESOLUTION NO. 02037

TERMINATING CERTAIN APPOINTMENT.”

“RESOLUTION NO. 02038

APPROVING AND RATIFYING THE INTERVENTION AND FILING OF PETITION FOR REVIEW IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT FOR REVIEW OF ORDERS ISSUED BY THE FEDERAL ENERGY REGULATORY COMMISSION IN CALIFORNIA ELECTRIC REFUND CASE, AND APPROVING APPOINT OF SPECIAL COUNSEL.”

“RESOLUTION NO. 02039

APPROVING APPOINTMENT OF SPECIAL COUNSEL.”

“RESOLUTION NO. 02040

APPROVING APPOINTMENT OF SPECIAL COUNSEL.”

Ordinance No. 3679 being, “AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A RIGHT OF WAY AGREEMENT FOR TEMPORARY EASEMENTS WITH STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION,” and Port Ordinance No. 3680 being, “AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF EASEMENT DOCUMENTS TO CARPENTERS UNION LOCAL 2236 AND PACIFIC GAS AND ELECTRIC (PG&E) FOR BUILDING ENCROACHMENT, EMERGENCY INGRESS AND EGRESS AND SUBSURFACE UTILITIES LOCATED AT BROADWAY STREET, OAKLAND, CALIFORNIA,” and Port Ordinance No. 3681 being, “AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO
CREATE THE NEW POSITION OF AIRPORT SECURITY MANAGER, TO AMEND SECTION 5.121 OF PORT ORDINANCE NO. 867 AND AMENDING PORT ORDINANCE NO. 3675 TO CORRECT AND UPDATE PORT ORDINANCE NO. 867,” was read a second time and passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Protopappas, Scates and President Tagami - 5

Noes: None

Absent: Commissioners Kramer and Uribe - 2

Port Ordinance No. ____ being, “AN ORDINANCE APPROVING ADDITIONAL SIGNATORIES TO THE AIRLINE OPERATING AGREEMENT AND SPACE/USE PERMIT AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT,” and Port Ordinance No. ____ being, “AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NONEXCLUSIVE PREFERENTIAL ASSIGNMENT AGREEMENT WITH AMERICAN PRESIDENT LINES, LTD,” and Port Ordinance No. ____ being, “AN ORDINANCE AUTHORIZING AND APPROVING THE EXECUTION OF A NONEXCLUSIVE PREFERENTIAL ASSIGNMENT AGREEMENT WITH EVERGREEN MARINE CORP. (TAIWAN) LTD,” were read a first time and passed to print by the following vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Protopappas, Scates and President Tagami - 5

Noes: None

Absent: Commissioners Kramer and Uribe - 2

February 5, 2002 -15-
At the hour of 5:15 p.m. the Board continued its closed session as previously announced; and reconvened in open session at the hour of 6:35 p.m.

At the hour of 6:36 p.m. the meeting was adjourned on an motion duly made and seconded.

[Signature]

Secretary of the Board
ADJOURNED REGULAR MEETING OF THE PORT COMMISSIONERS
OF THE
CITY OF OAKLAND

The adjourned regular meeting was held on Tuesday, January 29, 2002, at the hour of 3:03 p.m., in the office of the Board, second floor, 530 Water Street, Oakland, California, President Tagami presiding, appropriate notice having been given and posted.

Commissioners present: Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6

Commissioners absent: Scates - 1

Also present were the Executive Director; Deputy Executive Director; Port Attorney; Director of Maritime; Director of Commercial Real Estate; Director of Engineering; Director of Strategic & Policy Planning; Chief Financial Officer; Port Auditor; Director of Communications; Director of Equal Opportunity; Director of Administration; Airport Manager; and Secretary of the Board.

At the hour of 3:12 p.m., the Board entered into closed session pertaining to conference with legal counsel – anticipated litigation, significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 1 matter; conference with legal counsel – existing litigation, pursuant to subdivision (a) of section 54956.9: Names of Cases: Berkeley Jets Over the Bay et al v. Port of Oakland, et al., California Court of Appeal Case Nos. A086708/A087959/A089660, Julieta Duenas vs. Port of Oakland, Workers’ Compensation Appeals Board Case No. OAK 273426; conference with real property negotiator, (Government Code Section 54956.8) property – Oakland Army Base, negotiating parties – Port, Oakland Base Reuse Authority, City of Oakland, Oakland
Redevelopment Agency, under negotiation – price and terms of payment; and reconvened in open session at the hour of 4:00 p.m.

The minutes of the regular meeting of November 6, 2001 was approved as submitted and ordered filed.

**Ratification by the Board of Commissioners of the Procurement of 2 Electronic Fingerprinting Systems and its Peripheral Equipment** was the subject of a memo to the Board from the Director of Aviation notifying the Board that the revised Security Directive requires all airport users requesting unescorted privileges into secured areas of the airport to be fingerprinted as proof of a Criminal History Record Check (CHRC). Oakland is required by the FAA Directive to conduct the CHRC on all Secure Identification Area (SIDA) badge applicants pursuant to issuing the badge to the applicants. The need to get into the supply cycle of the imaging machines necessitated fast track procurement of the units due to the volume of orders that all suppliers of electronic fingerprint/imaging systems, are receiving from airports all across the nation. The Airport received two proposals from organizations that supply systems that are certified by the Federal Bureau of Investigation (FBI) for imaging and transmission of fingerprint data. Both SFO and SJC have chosen and utilize the Identix Touchprint 2000™ for its user friendliness and imaging consistency feedback function and it was the decision of Airport staff that OAK should also procure two Identix Touchprint 2000™ systems. The sum of charges required for purchasing, installing and maintaining 2 Index Touchprint 2000™ for the next year is $91,072.48. This project is fully funded under Federal AIP Special Security Funding. It was recommended that it be found to be the best interest of the Port, for the expedition of SIDA approval and badging that the Board ratify the purchase of two Identix Touchprint 2000™ systems for $91,072.48. In addition, it was requested January 29, 2002
that the Executive Director be authorized to approve up to $13,661.00 (15%) for contingencies as necessary. The recommendations was approved on passage of Resolution No. 02015.

**Approval of Agreement with Environmental Science Associates to Prepare Environmental Documentation for the Airport Development Program** was the subject of a memo to the Board from the Director of Engineering notifying the Board that on December 16, 1997, the Board certified a final Environmental Impact Report (EIR) for the Port’s Airport Development Program (ADP). The Board’s certification was challenged in court. The State Court of Appeal rules for the Port on several counts, but required the Port to complete a Supplemental EIR (SEIR) to address potential increases in toxic air contaminant emissions and potential related health and environmental risks; potential increases in nighttime aircraft noise; and potential impacts on the burrowing owl. Subsequently, the Port negotiated and executed a First Phase Settlement Agreement with the petitioners to the litigation that allows twelve of the ADP projects while the Port completes the SEIR. The SEIR’s toxic air contaminant and single-event nighttime noise analyses will be somewhat unprecedented, in that the environmental science that is necessary to complete the work is still in the developmental stage and has yet to be reviewed or sanctioned by any panel of the California Court of Appeal. The environmental analyses that will be performed for the ADP could have long-term implications for this and future Port projects, including non-airport projects. Consequently, staff is proposing that the ADP SEIR work be performed in two phases: an attorney-client privileged first phase; and a public document second phase. Pursuant to the directions, heretofore given by the Board, both phases of the SEIR work will be completed by Environmental Science Associates (ESA), the consultant that prepared the previous environmental documentation for the ADP. ESA will be assisted by two subconsultants with expertise in airport
noise (Brown-Buntin Associates) and in health risk assessments for airport operations (Camp Dresser-McKee, Inc.). In order to make decisions regarding the Terminal Expansion Project and other ADP components in a timely manner, it is necessary for planning and environmental document preparation to continue without delay. Accordingly, Port staff recommends retaining the services of the ESA team due to its thorough understanding of the current project and its ability to provide the most comprehensive and efficient response to the issues discussed above. Once the preliminary scoping and attorney-client privileged tasks are completed, the ESA team expects the preparation of the SEIR from Draft to final certification to take 13 months. It was recommended that the Board authorize preparation and execution of a Professional Services Agreement with the ESA consulting team (including work to be performed by the subconsultants, Camp Dresser-McKee, Brown-Buntin Associates and ENVIRON). The Professional Services Agreement will provide compensation not to exceed contract maximum of $1,200,000.00. It is further recommended that the Executive Director be authorized to approve additional work up to $250,000.00. The recommendation was approved on passage of Resolution No. 02016.

**Approval to Execute Proposed Right of Way Easement Agreement with Caltrans, Granting Temporary Construction Easements for the Seismic Retrofit of the Webster & Posey Tubes** was the subject of a memo to the Board from the Director of Commercial Real Estate notifying the Board that the California Department of Transportation (Caltrans) is planning to seismically retrofit the Webster and Posey Tubes between Oakland and Alameda. The project will impact two areas within Jack London Square, one adjacent to the Old Spaghetti Factory (Webster Tube) and another adjacent to the old Jack London Village site (Posey Tube). Two separate basins of the Jack London Marina will also be impacted. Caltrans injected “jet grout” into small sections January 29, 2002
of the Posey Tube and analyzed the results to determine the overall effectiveness of the jet grouting method. This phase of the project was completed in August 2000, and was determined to be successful. The jet grouting retrofit method would densify the ground around the tube with a mixture of cement and natural soil. The stone column retrofit method will only be used in the water area around the Webster tube. This method will involve the driving or vibrating of hollow 18 \text{"diameter} steel piles around the base of the tube structure. To facilitate the retrofit work for both the Posey and Webster tubes, Caltrans will need to secure several temporary construction easements from the Port. These various surface easements are adjacent to the actual tube rights of way, and will be used primarily for equipment storage, supplies and construction staging. Caltrans has existing easement rights for the land and water areas directly above the tube structures. The term of the agreement would commence on January 1, 2002, and would expire December 31, 2004. The premises include two temporary construction easements adjacent to the Posey Tube totaling approximately 97,025 square feet of land and water area. One temporary construction easement adjacent to the Webster tube totaling approximately 70,107 square feet of water area. Caltrans will reimburse the Port approximately $590,000.00 for their use of the temporary easement areas. Caltrans will pay the entire cost associated with the removal and subsequent re-installation of portions of the Jack London Square East and Center Basins marina docks and improvements. The affected portions of the marina would be removed for a one-year period. Caltrans would be responsible for relocating the marina berthers to alternate marina facilities. Caltrans agrees to fully restore and repair any damage to the project areas. This includes damages to surface parking lots, underground utilities, landscaping areas, etc. It was recommended that the Board approve and authorize the Executive Director to execute the proposed Right of Way Easement Agreement and January 29, 2002
any related documents with Caltrans for the Webster & Posey Street tube seismic retrofit. The recommendation was approved on passage of an ordinance to print.

**Grant of Easement for a Subsurface Utility Easement to Pacific Gas and Electric Co., Encroachment Easement, and Emergency Ingress and Egress Easement to the Carpenters Union for the Property Located at 115 Broadway Street, Oakland, California** was the subject of a memo to Board from the Director of Commercial Real Estate notifying the Board that M.A. Lindquist Company, Inc., has been hired by the Carpenters Union Local 2236, to construct a new union building at 115 Broadway Street in Oakland, California. The facility is constructed on privately owned land which is adjacent to Port-owned land currently leased to the owner of the Jack London Cinema, Dow Pac. The Port-owned alleyway, which will be impacted by the requests for various easements to allow the construction of the Carpenters Union building, is currently used as an emergency exit for the Jack London Cinema and contains other subsurface utilities. M.A. Lindquist Company, on behalf of the Carpenters Union, has requested the Port to grant an easement for subsurface utility purposes in the above-mentioned alleyway. M.A. Lindquist Company informed the Port that during construction they mistakenly placed subsurface pilings on approximately 70 square feet of Port property within the alleyway. Also, M.A. Lindquist was informed by the City of Oakland of a need for a second exit from the building for emergency purposes. Within the “alleyway” the calculations for the aforementioned easements are as follows: Pacific Gas and Electric Company Easements for Subsurface Utilities – 197.43 square feet (Easement A); Encroachment Easement – 70.0 square feet (Easement B); and Emergency Ingress and Egress Easement – approximately 9 feet x 200+ feet (Easement C). As compensation for the easements outlined, it is to receive in payment from the Carpenters Union the following: P.G. & E January 29, 2002
Easement - $500.00 nominal fee; Encroachment Easement - $3,500.00 (70.00 square feet x $50.00 per square foot); and Emergency Ingress and Egress Easement - $500.00 nominal fee. It was recommended the Board authorize the Executive Director to execute the appropriate easements for the completion of the building. The recommendation was approved on passage of an ordinance to print.

Right-of-Entry and Indemnity Agreement with Oakland Harbor Partners, LLC, for the Port-Owned Properties Located in the Oak-to-Ninth District was the subject of a memo to the Board from the Director of Commercial Real Estate notifying the Board that in December 2001 the Board authorized the execution of a 510-day Exclusive Negotiating Agreement (ENA) with Oakland Harbor Partners, covering the preparation of a Specific Plan and the redevelopment of the Port’s Oak-to-Ninth District properties. In the ENA the parties agree to work together for the first 90 days (“Due Diligence Period”) after ENA execution to determine the effect of issues such as the environmental condition of the property, the State Tidelands Trust restrictions, infrastructure costs, and other challenges associated with development of the site on the project’s overall economic feasibility. To carry out their analysis, the developers and their employees, agents and contractors require reasonable access to Port properties within the Oak-to-Ninth District for visual surveys, taking photos of building interiors, utility surveys, soil sampling tests, mapping activities, etc. The Right-of-Entry and Indemnity Agreement specifies the rights and limitations of the developers and their agents when visiting Port premises, including a requirement that the Port be given 48 hours advance notice before any developer or consultant representatives enter Port premises. The Right-of-Entry and Indemnity Agreement also includes standard Port indemnification, liability and insurance requirements. The term of the Agreement is 66 weeks, intended to coincide the term of January 29, 2002
the ENA. It was recommended that the Board authorize the execution of the Right-of-Entry and Indemnity Agreement with Oakland Harbor Partners LLP. The recommendation was approved on passage of Resolution No. 02017.

**New Non-Exclusive Preferential Assignment with American President Lines (APL)** was the subject of a memo to the Board from the Director of Maritime. At the request of the Director of Maritime, the item was held over to the February 5, 2002 meeting.

**New Non-Exclusive Preferential Assignment with Evergreen Marine Corporation (Taiwan) Ltd.** was the subject of a memo to the Board from the Director of Maritime. At the request of the Director of Maritime, the item was held over to the February 5, 2002 meeting.

**Approval of a Building Permit Application by American President Lines Limited to Install Electrical Power Upgrades at the APL Terminal, Berths 60-63** was the subject of a memo to the Board from the Director of Engineering recommending approval for the insulation of electrical power upgrades to augment power at the Berths 60-63 Terminal Facility. The estimated value of the work is approximately $400,000.00 with all costs the responsibility of APL. The recommendation was approved on passage of Resolution No. 02018.

**Personnel Items** contained in a memo to the Board from the Deputy Executive Director recommended the creation of one new position of Airport Security Manager; and a title change for Deliveryman to Port Deliveryperson. The recommendation was approved on passage of Resolution No. 02010 and of an ordinance to print.

**Approval of Professional Services Contract with TRS Consultants, Inc. to Perform Pilot Electronic Payroll Submitted Project for Point Arnold Restrooms, Middle Harbor Shoreline Park Project** was the subject of a memo to the Board from the Director of Equal January 29, 2002
Opportunity notifying the Board of the Maritime Aviation Project Labor Agreement (MAPLA). The MAPLA includes a component referred to as the “Social Justice Program,” which sets goals for local workforce and local business participation. The local workforce goals are set on a craft-by-craft basis for overall workforce on MAPLA covered projects. The goals are 50% Local Impact Area (LIA) overall workforce participation and 20% LIA apprentice participation. These goals, and other requirements such as apprenticeship ratios and the payment of prevailing wage, are required to be monitored for MAPLA covered projects through examination of certified payroll reports. It is anticipated that the magnitude of payroll reports that will be generated by the Airport Terminal Expansion (TEx) projects will necessitate requiring construction companies to submit the information electronically. The electronically submitted information would then be downloaded into a database within the Port to generate analyses of compliance. To test the capability of the database to generate the appropriate analyses, without unduly burdening the contractor in this initial phase. It was recommended that the Board authorize the Executive Director to enter into a contract with TRS Consultants, Inc. for professional services to perform the Pilot Electronic Payroll Submittal Project for Point Arnold Restrooms with a cost not to exceed $38,000.00 and if it is determined that additional compensation is necessary to complete the project with an additional amount of $10,000.00. The recommendation was approved on passage of Resolution No. 02019.

The following resolutions were introduced and passed separately by the following vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6

Noes: None

Absent: Commissioner Scates - 1

January 29, 2002
“RESOLUTION NO. 02015

FINDING AND DETERMINING THAT IT IS IN THE BEST INTEREST OF THE PORT TO PROCURE ON THE OPEN MARKET, WITHOUT COMPETITIVE BIDDING, TWO IDENTIX TOUCHPRINT 2000 ELECTRONIC FINGERPRINTING SYSTEMS AND PERIPHERAL EQUIPMENT AT MUNICIPAL OAKLAND INTERNATIONAL AIRPORT, OAKLAND, CALIFORNIA, AND RATIFYING AND AUTHORIZING EXECUTION OF A CONTRACT FOR SAME, INCLUDING INSTALLATION AND MAINTENANCE, BASED ON RECEIPT OF INFORMAL PROPOSALS.”

“RESOLUTION NO. 02016

FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH ENVIRONMENTAL SCIENCE ASSOCIATES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.”

“RESOLUTION NO. 02017

APPROVING AND AUTHORIZING EXECUTION OF CERTAIN RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH OAKLAND HARBOR PARTNERS, LLC.”

“RESOLUTION NO. 02018

GRANTING AMERICAN PRESIDENT LINES, LTD., PERMISSION TO PERFORM CERTAIN WORK.”

“RESOLUTION NO. 02019

FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH TRS CONSULTANTS, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.”

“RESOLUTION NO. 02020

GRANTING THE HERTZ CORPORATION, PERMISSION TO PERFORM CERTAIN WORK.”

January 29, 2002
“RESOLUTION NO. 02021

GRANTING SIERRA ACADEMY OF AERONAUTICS, INC., PERMISSION TO PERFORM CERTAIN WORK.”

“RESOLUTION NO. 02022

SETTLING CLAIMS AND AUTHORIZING EXECUTION OF STIPULATED AGREEMENT.”

“RESOLUTION NO. 02023

AUTHORIZING AND APPROVING RETENTION OF SPECIAL COUNSEL.”

“RESOLUTION NO. 02024

APPROVING APPOINTMENT OF SPECIAL COUNSEL.”

Port Ordinance No. 3678 being, “AN ORDINANCE AMENDING SECTIONS 5.026, 8.114, 8.0636, 8.0611, 8.113 AND 8.0615 OF PORT ORDINANCE NO. 867 AND ADDING SECTION 8.119 TO PORT ORDINANCE NO. 867,” was read a second time and passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 7

Noes: None

Absent: Commissioner Scates - 1

Port Ordinance No. ____ being, “AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A RIGHT OF WAY AGREEMENT FOR TEMPORARY EASEMENTS WITH STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION,”

Port Ordinance No. ____ being, “AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF EASEMENT DOCUMENTS TO CARPENTERS UNION

January 29, 2002
LOCAL 2236 AND PACIFIC GAS AND ELECTRIC (PG&E) FOR BUILDING ENCROACHMENT, EMERGENCY INGRESS AND EGRESS AND SUBSURFACE UTILITIES LOCATED AT BROADWAY STREET, OAKLAND, CALIFORNIA,” and Port Ordinance No. ___ being, “AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO CREATE THE NEW POSITION OF AIRPORT SECURITY MANAGER, TO AMEND SECTION 5.121 OF PORT ORDINANCE NO. 867 AND AMENDING PORT ORDINANCE NO. 3675 TO CORRECT AND UPDATE PORT ORDINANCE NO. 867,” were read a first time and passed to print by the following vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6

Noes: None

Absent: Commissioner Scates - 1

At the hour of 5:25p.m. the Board continued its closed session as previously announced; and reconvened in open session at the hour of 5:50p.m.

At the hour of 5:52 p.m. the meeting was adjourned on an motion duly made and seconded.

Signature

Secretary of the Board

January 29, 2002
REGULAR MEETING OF THE PORT COMMISSIONERS
OF THE
CITY OF OAKLAND

The regular meeting was held on Tuesday, January 15, 2002, at the hour of 3:03 p.m., in the office of the Board, second floor, 530 Water Street, Oakland, California, President Tagami presiding, appropriate notice having been given and posted.

Commissioners present: Ayers-Johnson, Kiang, Kramer, Protopappas, Scates and President Tagami - 6

Commissioners absent: Uribe - 1

Also present were the Executive Director; Deputy Executive Director; Port Attorney; Director of Maritime; Director of Commercial Real Estate; Director of Engineering; Director of Strategic & Policy Planning; Chief Financial Officer; Port Auditor; Director of Communications; Director of Equal Opportunity; Director of Administration; Airport Manager; and Secretary of the Board.

At the hour of 3:08 p.m., the Board entered into closed session pertaining to conference with legal counsel – anticipated litigation, significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 3 matters; conference with legal counsel – existing litigation, pursuant to subdivision (a) of section 54956.9: Names of Cases: Berkeley Jets Over the Bay et al v. Port of Oakland, et al., California Court of Appeal Case Nos. A086708/A087959/A089660, Julieta Duenas vs. Port of Oakland, Workers’ Compensation Appeals Board Case No. OAK 273426, Kenneth Taylor v. Port of Oakland et al., United States District Court Case No. C-00-0988PJH; conference with real property negotiator, (Government Code Section 54956.8) property – Oakland Army Base,
negotiating parties – Port, Oakland Base Reuse Authority, City of Oakland, Oakland Redevelopment Agency, under negotiation – price and terms of payment, property – Phase 1, Joint Intermodal (Rail) Terminal, negotiating parties – Port, and Burlington Northern Santa Fe Railroad, under negotiations – price and terms of payment, property – various parcels, Jack London Square, negotiating parties – Port and Jack London Square Partners, under negotiations – price and terms of payment, property – Ben E. Nutter Container Terminal, negotiating parties – Port and Marine Terminal Corporation, under negotiations – price and terms of payment; and reconvened in open session at the hour of 4:00 p.m.

The minutes of the regular meeting of October 16, 2001 was approved as submitted and ordered filed.

Authorization for the Executive Director to Execute an Agreement with Mestre-Greve Associates for $100,000 to Conduct a Joint Noise Study of a Crosswind Oriented Runway at Oakland International Airport (50% of Cost to be Reimbursed by Others) was the subject of a memo to the Board from the Director of Aviation notifying the Board that the Citizens League for Airport Safety and Serenity (CLASS) has proposed, for noise abatement purposes, that the Port construct a “crosswind” runway that would cross the existing runways and be oriented toward the Oakland hills to the Northeast and toward San Francisco International Airport to the Southwest. The Port has studied this runway in the past and determined that, although there is the potential for modest reduction in the Community Noise Equivalent Level (CNEL) for some areas, there is also the potential to shift low frequency “takeoff roll noise” much closer to other residential areas. As part of the recently signed Phase 1 Settlement agreement with CLASS, the City of Alameda, and Berkeley Keeps Jets Over the Bay, the Port has agreed to conduct another study jointly with all of January 15, 2002
the parties. The study would be performed by Mestre-Greve Associates as agreed to by all parties. The Port would contribute \( \frac{1}{2} \) of the cost for the study and the City of Alameda and CLASS would contribute \( \frac{1}{2} \). The purpose of the study would be to provide a noise analysis that is technically satisfactory to all parties discussing the potential and challenges for a crosswind runway. It was recommended that the Board authorize the Executive Director to execute an agreement with Mestre-Greve Associates for $100,000.00 to conduct a joint noise study of the “crosswind” runway and that the Board also authorize the Executive Director to approve up to an additional $30,000.00 worth of scope items to the study as needed. The recommendations was approved on passage of Resolution No. 02001.

**Approval of First Supplemental Agreement with Shah Kawasaki Architects, Inc. for On-Call Architectural and Engineering Services** was the subject of a memo to the Board from the Director of Engineering notifying the Board that on August 3, 1999 the Board approved the execution of consultant agreements with four teams of consultants to provide On-Call Architectural and Engineering Services for various Airport, Maritime, and Commercial Real Estate design projects. The term of the agreement for each consultant team was for a period of three years with a maximum compensation of $1,000,000.00. Under these agreements, Technical Services Orders (TSO’s) are issued to the Consultants for each project. One of these consultant teams, Shah Kawasaki Architects, Inc. (SKA), has been issued TSO’s for the following projects: construction of two New Gates in Terminal 1, OIA; assistance with the Port’s Future Utility Business Needs; construction of Interim Ticket Counters, Building M-102, OIA; and construct New Security Counters and Stanchions at the Security Checkpoint in Terminal 1, OIA. Leigh Fisher Associates, under contract to the Port’s Aviation Planning Department, performed a feasibility study and

January 15, 2002

-3-
prepared a schematic design for the Construction of Interim Ticket Counters, Building M-102, OIA. SKA, coincidentally, was the Architectural Subconsultant to Leigh Fisher Associates’ team on this project. Due to the urgent need for additional ticket counters in Terminal 1, it was determined that it would be in the best interests of the Port to have SKA prepare the plans and project manual for construction of the ticket counters. The negotiated fee for the preparation of the plans and project manual was $407,760.00. The total fee for this project and the other three previously assigned TSOs would exceed the $1,000,000.00 maximum compensation for the on-call agreement by approximately $60,000.00. Since three of the four projects listed are not complete, it was recommended that the Board authorize a total of $100,000.00 to provide for other potential changes in scope. The new total proposed maximum compensation would be $1,100,000.00. The recommendation was approved on passage of Resolution No. 02002.

System, Budget Rent A Car Systems, Dollar Rent A Car Systems, Inc., The Hertz Corporation and National Car Rental Systems, Inc. was the subject of a memo to the Board from the Director of Aviation notifying the Board that the five firms (ABDH&N) are five of the seven rental car agencies that operate on-airport rental car businesses at the Oakland Airport. ABDH&N utilize space in the ready return lot pursuant to individual License and Concession Agreement. These Agreements also provide for the use of land in the area of the ready return lot for customer service booths. The Airport is constructing a new roadway with additional curb space that will service commercial vehicles. In order to construction the third curb, ABDH&N must remove the customer service buildings. It was recommended that the Board authorize the modifications of the existing License and Concession Agreements to remove the land for the January 15, 2002
customer service booths from the premises. The recommendation was approved on passage of Resolution No. 02003.

**Approval of New License and Concession Agreement with Runex Enterprise (Access Only, North Airport)** was the subject of a memo to Board from the Director of Aviation notifying the Board that Runex Enterprise (Runex) currently provides ground handling services to Airborne Freight Corporation. Runex operates on the apron premises of Airborne at a rent of $250.00 per month or 10% of Gross Revenues, whichever is greater. It was recommended that the Board approve a new one-year License and Concession Agreement with Runex Enterprise under the same terms and conditions. The recommendation was approved on passage of Resolution No. 02004.

**Ratification of Addenda and Award of Contract for Landscaping of Union Pacific Mole, Promenade and Berth 40, Middle Harbor Shoreline Park, State 2, Vision 2000, Oakland, California** was the subject of a memo to the Board from the Director of Engineering notifying the Board of the four bids received and recommending award of the contract to Misan Construction, Inc., the low bidder, at $788,000.00. Addenda No. 1 and No. 2 were issued by the Chief Engineer to revise the bid quantities specified on the Bid Form and the list of plant species and seed mixes on the Plans and extended the Bid due date to December 7, 2001. The addenda did not significantly change the physical work of the contract. The recommendation was approved on passage of Resolution No. 02005.

**Approval of As-Needed Communications Consulting Services** was the subject of a memo to the Board from the Director of Communications notifying the Board that the Port is subject of a wide range of issues requiring public communication of positions and action taken. Public and legal challenges often call for an immediate and focused approach to these issues. A
strategic communications plan has been developed that addresses the need to educate and inform
the Port, its programs, and operations. It is important that the Port be able, when necessary, to
quickly draw upon professional expertise in certain situations. These expert services would
augment the existing communications staff and resources. The Communications Division has
identified five consultants to provide communications consulting services on an as-needed basis
and recommends entering into professional services contracts with the following firms: Newsmaker
Media; the Corsi Group, Laura Washburn; Ketchum, Inc.; and Solem & Associates. It was
recommended that the Executive Director be authorized to execute a professional services contract
to compensate each firm at agreed billing rates on a time-and-materials basis for a total amount not
to exceed $30,000.00 for each contract. The aggregate amount authorized in this analysis would
not exceed a total amount of $150,000.00. The recommendation was approved on passage of
Resolution No. 02006.

Approval of Disaster Recovery Services Addendum was the subject of a memo to the
Board from the Deputy Executive Director notifying the Board that the Port entered into a services
agreement with Sungard Recovery Services to provide disaster recovery services for the Port’s
HP3000 computer system. The HP3000 is used to process a majority of Port’s critical business
functions. Under this agreement, if the HP3000 becomes unusable or inaccessible, Sungard would
provide the Port the use of an equivalent computer system until the Port regains use of its own
system or obtains a replacement. MIS has determined that to properly protect the Port from undue
business interruptions, the HP3000 and 10 additional network services will need to be restored in
case of a disaster. Sungard has amended the current Recovery Services Agreement to provide
coverage for both the HP3000 and the 10 network servers. The amended agreement includes
January 15, 2002
contingencies for disaster recovery planning assistance, emergency telephone service, computer workstations, and emergency/recovery staff workspace, which can be used as an offsite command center for the entire Port. The Port is currently in the second year of a $55,020.00, 5-year contract with Sungard for HP3000 coverage. To cover the HP3000, 10 network servers, and contingencies (workspace, telephone, and planning), the Port would need to disburse $118,920.00 amortized over 5 years. It was recommended that the Board rectify the Executive Director’s authorization to execute the amendment to the Recovery Services Agreement with Sungard Recovery Services, Inc. to provide disaster recovery services. It is also recommended that the Board authorize an annual 15% contingency increases since the number of servers is expected to increase as the Port’s information technology needs increase. The recommendation was approved on passage of Resolution No. 02007.

Approval of Social Justice Contributions Formula Under MAPLA, Article XI, Section 3, and Authorization of Executive Director to Make Administrative Adjustments Necessary to the Effective Implementation of MAPLA was the subject of a memo to the Board from the Director of Engineering notifying the Board of the Maritime, Aviation Project Labor Agreement (MAPLA) Social Justice Labor Management Cooperation Trust Fund. The Commission adopted MAPLA as a bid specification for maritime and aviation projects. It included a provision that would raise funds to pay for activities necessary to eliminate barriers to employment in the construction trades that faced Port Local Impact Area residents. The provision is based on the understanding that Labor would use its influence with its industry partners to secure contributions from non-employee benefit trust funds in exchange for the Port requiring contractors to pay into such funds. The fund, to be managed by the Social Justice Subcommittee, would be available to January 15, 2002.

-7-
provide for childcare, transportation, pre-apprentice training, mentoring and other such programs that would assist in the Port’s goal of employing LIA residents in the construction program. At the time the MAPLA was adopted, the various trusts had significantly different contribution requirements, ranging from five-cents per hour to over fifty-cents per hour. The Port’s best estimate at the time was that the average cost per hour of work to the Port would be between ten cents and twenty cents, depending on the workforce distribution among the trades. For the then estimated eight million work hours, it was estimated that the total cost to be between $800,000.00 and $1.2 million. It was expected that the negotiation process would lead to some substantial portion of this being available to the social justice program, but the exact percentage would be a function of negotiations. During the negotiations with the contractor associations it became very clear to everybody that the significant disparity in fund purposes would make it more feasible for some to participate and less for others. (As an example, some funds were fairly closely calibrated to provide support for the grievance and arbitration procedures used by the unions and the contractors, purposes that would be hard to deflect. Other funds, such as industry promotion, were really perfectly suited for this purpose). In addition, the team began to focus more closely on the not insubstantial administrative burden, and cost, of tracking money into and out of these many funds – costs that would be borne by the Port project administrators, the industry trust funds and the community that was monitoring the program. As a result of the negotiations, industry recommended and the community and labor concurred that a better proposal would be to substitute a single, uniform trust payment, going 100% directly to the Social Justice Trust that had been established to administer the program. It was felt it would be fiscally more responsible and would induce great confidence by participating trusts that the funds contributed would be handled in a January 15, 2002
manner consistent with the underlying trusts' obligations. Administrative fiscal matters of the Trust will be managed by the East Bay Community Foundation at a cost of 1% of total funds managed. One hundred percent of the trust payments will go into the Social Justice Trust. The administrative burden of monitoring to ensure that contractors are both paying the required funds into the underlying trusts and that the trusts, in turn, are returning the appropriate share is completely eliminated. The project administrators will simply be able to compare the total hours worked as reported on the certified payroll against the contributions received by the trust – fifteen cents for every work hour without regarding to craft. It was recommended that the Board approve direct industry contributions to the MAPLA Social Justice Labor Management Cooperation Trust Fund as the method of trust payments established in Article XI, Section 3; authorize the amendment of MAPLA bid specification to provide for same; and authorize the Executive Director to carry out this and such other administrative responsibilities, including adjustments to MAPLA administrative procedures as necessary to its effective implementation. The following individuals appeared before the Board to support the recommendation, Mr. John Bauer, Oakland Army Base Work Force Development Collaborative; Meg Vasey, Community Monitor/DSI; Alex Francois, Bay Area Construction Sector Intervention Collaborate; and Herbert Johnson, West Oakland Resident. The recommendation was approved on passage of Resolution No. 02008.

Approval of Consultant Agreement with AON to Provide Services for the Creation of an Enterprise Risk Management Assessment and Program for the Port of Oakland was the subject of a memo to the Board from the Chief Financial Officer notifying the Board that Enterprise Risk Management is a new concept for United States businesses. Risk Management has traditionally identified and managed hazard risk with a process of identification, measurement,
assessment and risk treatment strategy. This process can be expanded to include Financial Risk, Human Capital Risk, Legal Risk, Natural Risk, Political Risk, Technology Risk and Operational Risk. Enterprise Risk Management will enable the Port to better manage current and emerging risks for capital acquisition, capital allocation, and resource commitment. The upcoming financing of the Port’s Capital Improvement Program and the terrorists acts of September 11, 2001, make this project a high priority for this organization. Through a Request for Qualifications (RFQ) process, the Port received proposals from three national firms that provide consultant services in this area. After review of the proposals, it was recommended that the Board approve awarding a Professional Service Contract to AON Risk Services of Northern California for Phase 1 consulting services in the creation of an Enterprise Risk Management Analysis and Program for the Port, for fees not to exceed $150,000.00. The recommendation was approved on passage of Resolution No. 02009.

**Personnel Items** contained in a memo to the Board from the Deputy Executive Director recommending approval for the creation of one position of Port Engineering Technician I, at Salary Schedule 65.7, and one position of Executive Assistant, at Salary Schedule 227.85. Also recommended was the approval for the following title changes: from Electrical-Mechanical Technician to Port Engineering Technician II; from Intermediate Drafting Technician to Port Engineering Technician II; from Senior Drafting Technician to Port Senior Engineering Technician; from Senior Electrical-Mechanical Technician to Port Senior Engineering Technician; and from Principal Drafting Technician to Port Principal Engineering Technician. Further recommended was the appointment of Bernida Reagan to the position of Director, Social Responsibility at salary rate $8,750.00, effective February 19, 2002. The recommendation was approved on passage of Resolution No. 02010 and of an ordinance to print.

January 15, 2002
The following resolutions were introduced and passed separately by the following vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates and President Tagami - 6

Noes: None

Absent: Commissioner Uribe - 1

“RESOLUTION NO. 02001

FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH MESTRE-GREVE ASSOCIATES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT.”

“RESOLUTIONS NO. 02002

FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH SHAH KAWASAKI ARHITECTS, INC. FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT.”

“RESOLUTION NO. 02003

APPROVING AND AUTHORIZING EXECUTION OF AN AMENDMENT TO CERTAIN LICENSE AND CONCESSION AGREEMENTS.”

“RESOLUTION NO. 02004

APPROVING AND AUTHORIZING EXECUTION OF A CERTAIN LICENSE AND CONCESSION AGREEMENT WITH RUNEX ENTERPRISE.”
"RESOLUTION NO. 02005

RATIFYING AND APPROVING ADDENDA TO PLANS AND SPECIFICATIONS FOR LANDSCAPING OF UNION PACIFIC MOLE, PROMENADE AND BERTH 40, MIDDLE HARBOR SHORELINE PARK, STAGE 2, VISION 2000, OAKLAND, CALIFORNIA; AND AWARDING CONTRACT TO MISAN CONSTRUCTION, INC., FIXING THE AMOUNT OF BONDS, REJECTING ALL OTHER BIDS AND DIRECTING RETURN OF BID BONDS TO BIDDERS."

"RESOLUTION NO. 02006

FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH NEWSMAKER MEDIA, THE CORSI GROUP, LAURA WASHBURN, KETCHUM, INC. AND SOLEM & ASSOCIATES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT."

"RESOLUTION NO. 02007

RATIFYING, FINDING AND DETERMINING THAT A PROPOSED FIRST SUPPLEMENTAL AGREEMENT WITH SUNGARD RECOVERY SERVICES FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF SAID SUPPLEMENTAL AGREEMENT."

"RESOLUTION NO. 02008

APPROVING AND AUTHORIZING ALTERNATIVE PLANS FOR SATISFYING SOCIAL JUSTICE PROGRAM FUNDING PROVISIONS IN VISION 2000 (1999 INTERIM FACILITIES) PROJECT LABOR AGREEMENT AND THE MARITIME AND AVIATION PROJECT LABOR AGREEMENT (MAPLA) REQUIRING DIRECT PAYMENT BY CONTRACTORS INTO NON-EMPLOYEE BENEFIT TRUST FUNDS."

"RESOLUTION NO. 02009

FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH AON RISK SERVICES OF NORTHERN CALIFORNIA FOR CONSULTING SERVICES CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE, WAIVING COMPETITIVE BIDDING AND AUTHORIZING EXECUTION OF AGREEMENT."

January 15, 2002
“RESOLUTION NO. 02010

CONCERNING CERTAIN APPOINTMENT.”

“RESOLUTION NO. 02011

GRANTING AVIS RENT A CAR SYSTEM, INC., PERMISSION TO PERFORM CERTAIN WORK.”

“RESOLUTION NO. 02012

REGARDING MEMORANDUM OF UNDERSTANDING WITH WESTERN COUNCIL ENGINEERS.”

“RESOLUTION NO. 02013

NAMING PORT OF OAKLAND CRANE X-437 THE THOMAS L. BERKLEY CONTAINER CRANE.”

“RESOLUTION NO. 02014

ON THE PASSING OF THOMAS L. BERKLEY.”

Port Ordinance No. 3672 being, “AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH CALIFORNIA DEPARTMENT OF TRANSPORATION (“CALTRANS”) FOR THE PORT OF OAKLAND’S PURCHASE OF APPROXIMATELY 37,000 SQUARE FEET OF EXCESS CALTRANS PROPERTY,” and Port Ordinance No. 3673 being, “AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF LEASE AGREEMENT WITH BURLINGTON NORTHERN SANTA FE RAILWAY,” and Port Ordinance No. 3674 being, “AN ORDINANCE AMENDING PORT ORDINANCE NO. 3439 AND ESTABLISHING RATES AND CHARGES FOR ELECTRICAL POWER FOR CERTAIN PARTS OF THE PORT AREA,” and Port Ordinance No. 3675 being, “AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO CREATE THE NEW POSITION OF AIRPORT GROUND
TRANSPORTATION & PARKING OPERATIONS COORDINATOR,” were read a second time and passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates and President Tagami - 7

Noes: None

Absent: Commissioner Uribe - 1

Port Ordinance No. 3676 being, “AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING THE SALE OF CERTAIN IMPROVEMENTS LOCATED IN JACK LONDON SQUARE TO A JACK LONDON SQUARE PARTNERS (“JLSP”) ENTITY, AUTHORIZING GROUND LEASES RELATED TO SUCH ASSETS, APPROVING EXECUTION OF AN AMENDMENT TO THE AGREEMENT FOR ACQUISITION OF GROUND LEASE INTERESTS, AND AUTHORIZING AN OPERATIONS AGREEMENT, WITH RELATED DOCUMENTS,” was read a second time and passed by the following vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Protopappas, Scates and President Tagami - 5

Noes: Commissioner Kramer - 1

Absent: Commissioner Uribe - 1

Port Ordinance No. 3677 being, “AN ORDINANCE AMENDING PORT ORDINANCE NO. 1606 TO CONFIRM THAT THE PORT OF OAKLAND IS EXEMPT FROM THE CALIFORNIA PUBLIC CONTRACT CODE,” was read a second time and passed by the following vote:

January 15, 2002 -14-
Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates and President Tagami - 6

Noes: None

Absent: Commissioner Uribe - 1

Port Ordinance No. 867 being, “AN ORDINANCE AMENDING SECTIONS 5.026, 8.114, 8.0636, 8.0611, 8.113 AND 8.0615 OF PORT ORDINANCE NO. 867 AND ADDING SECTION 8.119 TO PORT ORDINANCE NO. 867,” was read a first time and passed to print by the following vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates and President Tagami - 6

Noes: None

Absent: Commissioner Uribe - 1

At the hour of 5:40 p.m. the Board continued its closed session as previously announced; and reconvened in open session at the hour of 6:20 p.m.

At the hour of 6:25 p.m. the meeting was adjourned on an motion duly made and seconded.

[Signature]

Secretary of the Board

January 15, 2002
-15-
Regular Meeting of the Board of Port Commissioners
Tuesday, December 17, 2002 - 3:00 PM

ROLL CALL

The Secretary called the roll and the following Commissioners where in attendance:

Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Scates, Commissioner Tagami, Commissioner Uribe, and President Kiang.

Vice-President Protopappas joined the meeting after closed session.

President Kiang called the Board into session at 3:05 p.m.

CLOSED SESSION

Port Attorney, David Alexander, recommended that the Board enter into Closed Session to discuss the following items:

Conference With Legal Counsel – Existing Litigation. Pursuant to subdivision (a) of Section 54956.9. LFR, Inc. v. Port of Oakland, et al., Alameda County Superior Court Case No. 2002-071-1405

Conference With Legal Counsel - Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (6 matters)

Conference With Legal Counsel – Anticipated Litigation. Initiation of litigation pursuant to subdivision (c) of Section 54956.9: 1 matter.

By consensus the Board agreed to enter into closed session.
OPEN SESSION

President Kiang called the Board back into Open Session at 4:12pm.

Port Attorney David Alexander reported that no final actions had been taken in Closed Session.

Vice-President Protopappas joined the meeting.

PRESIDENT’S REPORT

President Kiang reported that Lieutenant Governor Cruz Bustamante would visit the Port Of Oakland.

EXECUTIVE DIRECTOR’S REPORT

The Executive Director, Tay Yoshitani, reported the following:

- Roberta Schoenholtz, Manager of the Port’s Environmental Health & Safety Department was selected as one of 63 winners of the Marshall Memorial Fellowship. Recipients will spend an intensive three-week study period in Europe.

- Last Thursday evening at the Port’s Holiday Party 90 employees where recognized for service. Constance Silver was recognized for 35 years of service.

- Port Employees are involved in the annual Canned Food Drive. Port employees have already donated more than a thousand pounds of canned goods.

- Port employees are participating the Mayor’s annual Holiday Toy Drive and operation “One Warm Coat to provide toys and coats to people in Alameda County.

AIRPORT

Commissioner Tagami reported that the December 2nd meeting of the Aviation Committee had recommended for approval, by the full Board, Airport Items 11-14.

A motion to approve the following items was made by Commissioner Tagami and seconded by Commissioner Ayers-Johnson:

11. Ratification of Contract with Avetek Integrated Systems Inc. for Advance Interface and Baggage Display System. (Resolution 02423)

Paul Cobb spoke on this item.

12. Approval of List of Consultants for As-Needed Services for Pavement Design Projects at the Oakland International Airport. (Resolution 02424)
14. Resolution Authorizing the Director of Aviation to Execute Consent to Assignment of Sierra Academy of Aeronautics, Inc. ("Sierra") Lease to be Business Jet Center Oakland, Limited Partnership (9465 Earhart Road, North Airport) and a Related Sublease to Sierra Academy of Aeronautics, Inc. or an Affiliate. (Resolution 02425)

*The motion carried by the following votes: (7) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang*

Vice-President Protopappas left the meeting.

*A motion to approve the following items was made by Commissioner Tagami and seconded by Commissioner Ayers-Johnson:*

13. Approval to Issue a Request for Qualifications for the Prime Builder Contract; and Approval to Dispense with Standard Lowest-Sealed-Bid Procedures for the Oakland Airport Terminal Expansion Program. (Resolution 02427)

Twenty-two individuals signed up to speak on Item 13. After consolidation of the speakers time the following individuals spoke on this item:

Paul Elizondo          Paul Cobb
William Patterson      Wiley Pierce
Geoffrey Pete          Sanjiv Handa
Joseph Debro           Derek Smith

Commissioner Tagami offered 13 amendments to the staff's proposed Resolution. Vice-President Scates offered an amendment to decrease points awarded for qualifications from 55 to 50 and increasing the points awarded for Local Business Utilization from 15 to 20. All amendments where accepted.

*The motion carried by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang (1) Absent: Vice-President Protopappas*

**COMMERCIAL REAL ESTATE**

Vice-President Scates reported that the December meeting of the Commercial Real Estate Committee had recommended for approval, by the full Board Item 21.

*A motion to approve item 21 was made by Vice-President Scates and seconded by Commissioner Uribe:*

21. Authorization to Execute a Professional Services Agreement with Carneghi-Bautovich & Partners Inc. to Provide Appraisal Services for the Oak to Ninth District Property. (Resolution 02428)

*The motion carried by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang*
OPERATIONS

Vice-President Scates reported that last meeting of the Audit, Budget & Finance Committee had recommended for approval, by the full Board, Operations 41 and 42.

A motion to approve the following items was made by Vice-President Scates and seconded by Commissioner Kramer:

41. Authorization to Extend the Procurement Card Program for 90 days. (Ordinance to print)
42. Authorization to Increase the Port of Oakland Existing Bank of America Letter of Credit Facility by $50 Million. (Resolution 02429)

The motion carried by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang (1) Absent: Vice-President Protopappas

Commissioner Ayers-Johnson reported that the December meeting of the Administrative Committee had recommended for approval, by the full Board, Operations 43 and 44.

Commissioner Uribe did not take part in the discussion or decision on items 43 and 44.

A motion to approve the following items was made by Commissioner Ayers-Johnson and seconded by Commissioner Kramer:

43. Creation of Classifications/Positions. (Ordinance to print)
44. Authorization for the Executive Director to Approve Contributions to the Social Justice Trust Fund for the Open Contracts – Projects Underway at Time of Adoption of the Consolidated Payment Resolution. (Resolution 02340)

Sanjiv Handa of East Bay News Service spoke on this item

The motion carried by the following votes: (5) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Scates, Commissioner Tagami, and President Kiang (2) Absent: Vice-President Protopappas, Commissioner Uribe

SUMMARY ITEMS

A motion to approve the following Summary Items was made by Commissioner Kramer and seconded by Commissioner Uribe:

Building Permit - DMJM+Harris, installation of Explosive Detection System, Phase 2 equipment in Terminals 1 and 2, OIA, #1 Airport Drive, to comply with Transportation Security Administration screening requirements as mandated by the U.S. Congress. Project includes...
related electrical, mechanical, building and ramp additions and alterations. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Statutory Exemption, Section 15269(c).

Final Reading of Port Ordinance No. 3727 Being, “An Ordinance Amending Port Ordinance No. 3439 And Establishing Rates And Charges For Electric Power Provided By The Port At The Metropolitan Oakland International Airport.”

Final Reading of Port Ordinance No. 3728 Being, “An Ordinance Amending Port Ordinance No. 867, Amending Section 10.0038 And Adding New Section 14.8.”

Final Reading of Port Ordinance No. 3729 Being, “An Ordinance Authorizing The Fee Simple Transfer Of Port Owned Land Located On Christenson Road In Eastern Alameda County To The California Department Of Fish And Game For Burrowing Owl Habitat Purposes.”

The motion carried by the following votes: (7) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

OPEN FORUM

Sanjiv Handa, East Bay News Service spoke in Open Forum

ADJOURNMENT

At the hour of 7:35 p.m. there being no further business by consensus the Board Adjourned
Regular Meeting of the Board of Port Commissioners
Tuesday, December 3, 2002 - 3:00 PM

ROLL CALL

The Secretary called the roll and the following Commissioners where in attendance:

Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe, and President Kiang.

President Kiang called the Board into session at 3:02 p.m.

CLOSED SESSION

Port Attorney David Alexander suggested that the Board enter into Closed Session to discuss the following items:

1. Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Pursuant to subdivision (a) of Section 54956.9. Name of cases:

   Berkley Jets Over the Bay, et al. v. Port of Oakland, et al., California Court of Appeal Case Nos. A086708/A087959/A089660*

   In the Matter Between Building and Construction Trades Council of Alameda Co. and Daviller-Sloan Inc./Parsons Constructors, Inc.

3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 3 matters
4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Government Code Section 54956.8.

Property: Pardee Parking Lot
Negotiating Parties: Port and City of Oakland
Under Negotiation: Price and terms of agreement

5. PERSONNEL MATTER. Public Employee Performance Evaluation.

By consensus the Board agreed to enter into closed session.

OPEN SESSION

President Kiang called the Board into Open Session at 4:10pm.

Port Attorney David Alexander reported final action on the following cases:

Berkley Jets Over the Bay, et al. v. Port of Oakland, et al., California Court of Appeal Case Nos. A086708/A087959/A089660*

By consensus the Board agreed to authorize settlement of this case.

In the Matter Between Building and Construction Trades Council of Alameda Co. and Daviller-Sloan Inc./Parsons Constructors, Inc.(Resolution 02420)

By consensus the Board agreed to authorize settlement of this case.

Port Attorney Alexander reported that the Board had not reviewed all closed session items and would need a second closed session after the Open Forum.

PRESIDENT’S REPORT

A motion to approve Operations Item 48 was made by President Kiang and seconded by Vice-President Protopappas.

48. Resolution Honoring Oakland City Councilman Dick Spees Upon His Retirement from the Oakland City Council. (Resolution 02405)

The motion carried by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

President Kiang called Councilman Spees forward to receive the Resolution honoring his years on the City Council and in particular his traditional support for the Port and its goals.

Next, President Kiang reported that a delegation from Dalian China had toured the Port. He greeted the delegation at the Port and attended with them a luncheon hosted
by the City. President Kiang reported that he had previously met several of the
delegates when he called on Port of Oakland customers in Dalian.

President Kiang also reported that the Port had held a press conference to announce
receipt of 30 new electric vehicles from Ford Motor Company. The vehicles can travel
35 miles on a single charge, can travel up to 25 miles per hour, and can carry four
passengers.

EXECUTIVE DIRECTOR’S REPORT

The Executive Director, Tay Yoshitani, reported that the Port had taken place in the Annual
kickoff of the Jack London Square Holiday celebrations. Council President Ignacio De La
Fuente lit the tree and the Oakland Interfaith Gospel Choir performed. The tree lighting marked
the beginning of several events including the Lighted Yacht Parade, Menorah Lighting and the
Los Posadas celebration.

Director Yoshitani also announced the Port’s participation in the One Warm Coat program to
collect coats for Oaklanders in need.

Director Yoshitani reported that the PMA and ILW had reached a tentative contract agreement.
The six-year contract must still be approved by the rank and file.

AIRPORT

Commissioner Tagami reported that the December 2nd meeting of the Aviation Committee had
recommended for approval, by the full Board, Airport 11-15.

A motion to approve the following items was made by Commissioner Tagami and
seconded by Commissioner Ayers-Johnson:

11. Dispense with Standard Bidding Procedures to Procure System Consulting Services
for the Use of MP-2 to Manage Maintenance of Terminal Services and Equipment at
Oakland International Airport. (Resolution 02406)

Control System at Terminals 1 and 2, South Field, OIA. (Resolution 02407)

13. Ratification of Addenda and Award of Contract for Construction of the Relocated
John Glenn Drive and Associated Utilities, South Field, OIA. (Resolution 02408)

14. Approval of Hearing Officer’s Recommendation to Reject Protest of Award of
Contract for Construction of Interconnection Between Electrical Substations SS-1 and
SS-1A, Phase 3, North Field, OIA. (Resolution 02409)

15. Adoption of New Rates and Charges for the Provision of Electrical Power, and
Establishment of Policy on Cost-of-Service Fee at the Oakland International Airport.
(Resolution 02410 and Ordinance to Print)

The motion carried by the following votes: (7) Ayes—Commissioner
Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas,
Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

COMMERCIAL REAL ESTATE

The Secretary of the Board announced that the hearing to receive comments on the Draft Environmental Impact Statement was opened.

Staff gave a brief report on item 21


There was no public comment on the Draft EIR.

A motion to close the hearing was made by Vice-President Protopappas and seconded by Commissioner Kramer.

The motion carried by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Uribe and President Kiang (1) Abstention: Commissioner Tagami

MARITIME

Commissioner Kramer reported that the November 21st meeting of the Maritime Committee had recommended for approval, by the full Board, Maritime 31 - 34.

A motion to approve the following items was made by Commissioner Kramer and seconded by Commissioner Uribe:

31. Recommendation that Board Consent to Assignment by SSA Terminals, LLC of its Interest in Berths 57-59 Agreement to SSA Terminals (Oakland), LLC, and to Certain Related Licenses to Use the Berths 57-59 Premises. (Resolution 02411)

32. Ratification of Change Order to Contract for Construction of Crane Maintenance Building D-137 at Berths 57-59, Vision 2000 - Storm Drain Modifications and Modification of Change Order Authority Limit. (Resolution 02412)

33. Ratification of Change Order to Contract for Realignment of Middle Harbor Road, Adeline Street Over crossing to West of K Street, Vision 2000 – Modify Union Pacific Driveways and Relocate and Reinstall Signal Heads and Controllers at Ferro and Eldorado Streets. (Resolution 02413)


The motion carried by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas,
Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

OPERATIONS

Vice-President Scates reported that the November 21st meeting of the Audit, Budget & Finance Committee had recommended for approval, by the full Board, Operations 41 and 42.

A motion to approve the following items was made by Vice-President Scates and seconded by Vice-President Protopappas:

41. Approval of Revised Administrative Policy AP 109, Driving on Port Business and Use of Port Vehicles. (Resolution 02415)

Sanjiv Handa of East Bay News Service spoke on this item.

The motion carried by the following votes: (7) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

42. Approval of an Agreement with Kevin Harper CPA for Internal Audit Consulting Services. (Resolution 02422)

Commissioner Tagami did not take part in the discussion or decision of this item.

The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Uribe and President Kiang (1) Recusal – Commissioner Tagami

Commissioner Ayers-Johnson reported that the December meeting of the Administrative Committee had recommended for approval, by the full Board, Operations 43 - 47

A motion to approve the following items was made by Commissioner Ayers-Johnson and seconded by Commissioner Kramer:

43. Approval to Enter in an Agreement with the Oakland Private Industry Council to Share the Costs and Responsibilities of Supervision and Direction for an Apprenticeship Recruitment Coordinator Position to Address the Local Hire Requirements of the Project Labor Agreement. (Resolution 02416)

44. Approval to Enter into an Agreement with Grace Under Pressure, Ltd. in the Amount of $20,000 for Event Planning and Consulting Service Relative to PortFest 2003. (Resolution 02417)

Sanjiv Handa of East Bay News Service spoke on this item
45. Approval to Enter into an Agreement for A Study on Maritime Activity Impacts on Congressional and State Legislative Districts. (Resolution 02418)

46. Approval of Group Incentive Compensation Program Goals for Fiscal Year 2002-03. (Resolution 02419)

47. Amendment of Salary Schedule Assignment; and Creation of Classification/Position. (Ordinance to print)

The motion carried by the following votes: (7) Ayes: — Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

SUMMARY ITEMS

A motion to approve the following Summary Item was made by Commissioner Kramer and seconded by Commissioner Uribe:

Final Reading of Port Ordinance No. 3726 being, “An Ordinance Approving And Authorizing The Execution Of A Wireless Telecommunications Agreement With GTE Mobilnet Of California."

The motion carried by the following votes: (7) Ayes: — Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

OPEN FORUM

Sanjiv Handa, East Bay News Service spoke in Open Forum

CLOSED SESSION

The Board re-entered closed session at 6:05 p.m.

ADJOURNMENT

At the hour of 7:00 p.m. there being no further business by consensus the Board Adjourned by consensus.

John T. Betterton
Secretary of the Board
Regular Meeting of the Board of Port Commissioners
Tuesday, November 19, 2002 - 3:00 PM

ROLL CALL

The Secretary called the roll and the following Commissioners where in attendance:

Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe, and President Kiang.

President Kiang called the Board into session at 3:00 p.m.

CLOSED SESSION

Port Attorney David Alexander recommended that the Board enter into Closed Session to discuss the following items:

1. Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (6 matters)

2. Conference With Legal Counsel – Existing Litigation. Pursuant to Subdivision (a) of Section 54956.9:

The City of Oakland, et al. v. International Brotherhood of Teamsters Local Union 70, et al., Alameda County Superior Court Case No. 2002058643

Carol Beadle v. Port of Oakland, Workers’ Compensation Appeals Board Case No. OAK 249922

3. Conference With Real Property Negotiator, as provided under Government Code Section 54956.8, under negotiations:
Property: Pardee Parking Lot
Negotiating Parties: Port and Legacy Developers
Under Negotiation: Price and Terms of Payment

Property: Berths 55-56, Terminal Facilities
Negotiating Parties: Port of Oakland and Total Terminals International, LLC
Under Negotiation: Price and Terms of Payment

4. PERSONNEL MATTER. Public Employee Performance Evaluation.

   By consensus the Board agreed to enter into closed session.

OPEN SESSION

President Kiang called the Board into open session at 4:12 p.m. and acknowledged Mayor Elihu Harris who was in the audience.

Port Attorney David Alexander reported that the Board had agreed to settle City of Oakland v. GKO & Associates, et al., Alameda County Superior Court Case No. 82440-7.

   By consensus the Board agreed to authorize settlement of this case.

Mr. Alexander stated that the Port had not finished all of the Closed Session Agenda items and would need an additional Closed Session at the end of the meeting.

PRESIDENT’S REPORT

President Kiang reported that he and Executive Director Yoshitani and Aviation Director Grossman had attended the ACI-11th Annual Conference in Salt Lake City. They heard a report on the state of the airline industry and noted that due to the slow economy and increased competition, that the public was increasingly switching to low cost airlines and secondary airports like Oakland.

EXECUTIVE DIRECTOR’S REPORT

Director Yoshitani reported that Ballot Measure DD ($198 million trust fund for water and parks) endorsed by the Port Commission had been approved by the voters. Significant to the Port are the expenditures slated to clean-up Lake Merritt and the channel. The Port had funded the initial $200,000 feasibility study for the Channel.

The Port has been participating in the annual food drive for the Alameda County Food Bank. Food collection barrels have been placed on each floor of the Port building. The Port has participated in this annual drive since 1985. Last year throughout the county 12 million pounds of food was collected.

Director Yoshitani called on Gay Josephson of the Maritime Division to report on the Seaport Security Bill. Mr. Josephson reported that he had been in contact with the Port’s Lobbyist in D.C. and that the Seaport Security Bill had passed. The Bill authorized multi-year security grants but did not identify specific amounts or identify dedicated funding sources. The bill will
establish several programs to be administered by the Transportation Security Administration, the Coast Guard and the Customs Service.

AIRPORT

Commissioner Tagami reported that the November 4th meeting of the Aviation Committee had recommended for approval, by the full Board, Airport 11-16.

A motion to approve the following items was made by Commissioner Tagami and seconded by Commissioner Ayers-Johnson:

11. First Reading of an Ordinance Approving the Terms and Conditions of a Wireless Telecommunications Agreement with GTE Mobilnet of California. (Ordinance to print)

12. Purchase of Security Badges from Electronic Technologies Corporation. (Resolution No. 02386)


15. Ratification of Change Orders to Contract for Construction of Airport Drive and Air Cargo Road Interchange, Airport Roadway Project (Contract A), OIA – Revise Interchange to Facilitate Future Construction of Terminal Expansion Project. (Resolution No. 02389)


The motion carried by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

COMMERCIAL REAL ESTATE

Vice-President Protopappas reported that the November 6th meeting of the Commercial Real Estate Committee had recommended for approval, by the full Board, Commercial Real Estate 21 – 25.

A motion to approve the following items was made by Vice-President Protopappas and seconded by Vice-President Scates:

22. Approval to Execute MOU with Alameda County Congestion Management Agency, City and Port to Fund Study of Transpiration Improvements. (Resolution No. 02392)

Sanjiv Handa spoke on this item

23. Approval of the First Amendment to the Agreement for Purchase and Sale of Real Property and Escrow Instructions Between the Port of Oakland and SIMEON Commercial Properties. (Resolution No. 02393)

Bill Salmon spoke on this item

24. First Amendment to the Purchase and Sale Agreement with Doug Rohn and Elizabeth Zenger for the Property Located at Edgewater Drive and Pardee Road. (Resolution No. 02394)

Brad McCawl spoke on this item

25. Approval of Agreement with the City of Alameda for the Operations of the Alameda Oakland Ferry and Approval of Cost Plus Agreement with Blue and Gold Fleet. (Resolution No. 02395)

The motion carried by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

MARITIME

Commissioner Kramer reported that the October 31st meeting of the Maritime Committee had recommended for approval, by the full Board, Maritime 31 - 33.

A motion to approve the following items was made by Commissioner Kramer and seconded by Commissioner Uribe:

31. Authorization to Reject all Bids and to Negotiate with the Lowest Responsible Responsive Bidder for Construction of Storage Track, Compressed Air System, and Miscellaneous Improvements to the Joint Intermodal Terminal, Vision 2000. (Resolution No. 02396)

32. Authorization to Exceed Purchase Order Limits for Interim Office Complex Trailers at Berths 57-59, Vision 2000. (Resolution No. 02397)

33. Approval to Increase Executive Director’s Authority to Authorize Changes in Scope to Agreement with David Gates and Associates and Thruston Design Group for Engineering Design Services for Construction of Public Access Improvements, Berths 55/59, Inner Harbor. (Resolution No. 02398)

The motion carried by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang
Vice-President Scates reported that the November 19th meeting of the Audit Budget & Finance Committee had recommended for approval, by the full Board, Operations 41.

A motion to approve the following items was made by Vice-President Scates and seconded by Vice-President Protopappas:

41 Declaration of Port Revenue Fund Surplus for FY 2000-01 and FY 2001-02; Recommendation to Transfer Surplus to General Fund of City; and Approval to Reimburse the City for General Services and Lake Merritt Trust Purposes. (Resolution No. 02399)

Sanjiv Handa spoke on this item.

The motion carried by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

42 Approval of Enter into an Agreement with Grace Under Pressure, Ltd. in the Amount of $20,000.00 for Event Planning and Consulting Services Relative to PortFest 2003.

Staff recommended that item 42 be pulled and brought back for consideration at a subsequent meeting.

A motion to approve the following Summary Items was made by Commissioner Kramer and seconded by Commissioner Tagami:

Building Permit -- Parsons Transportation Group, rearrangement of the security checkpoint area in Terminal 1 OIA to accommodate United States Department of Transportation, Transportation Security Administration passenger screening requirements. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15301 (a).

Building Permit -- DMJM + Harris, installation of Explosive Detection (EDS equipment at baggage check-in counters in Terminal 1 and Terminal 2 OIA, to accommodate United States Department of Transportation, Transportation Security Administration year end 2002 screening requirements as mandated by the U.S. Congress. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15301 (a).

Building Permit -- SBC Pacific Bell Inc., demolition of a 600 square foot shed, a utility vault and associated tenant owned improvements at the conclusion of tenancy as required by the Port lease at 1601 Maritime Street. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15301 (a and l).

Final reading of Port Ordinance No. 3721 being, “An Ordinance Authorizing, Approving And Executing Lease With The United States Of America, Department Of Transportation, Federal Aviation Administration (“FAA”) For The Operation Of A Middle Marker.”
Final reading of Port Ordinance No. 3722 being, “An Ordinance Authorizing, Approving And Executing Lease With The United States Of America, Department Of Transportation, Federal Aviation Administration (“FAA”) For The Operation Of A Glide Slope.”

Final reading of Port Ordinance No. 3723 being, “An Ordinance Approving Additional Signatories To The Airline Operating Agreement And Space/Use Permit At Metropolitan Oakland International Airport.”

Final reading of Port Ordinance No. 3724 being, “An Ordinance Authorizing, Approving And Executing Two Lease Amendments Extending Terms For Two-Years (Amendments No. 5 And No. 6) With The United States Postal Service.”

Final reading of Port Ordinance No. 3725 being, “An Ordinance Amending Port Ordinance No. 867, Amending Sections 2.01, 10.019, 10.013, 8.147, 5.026 And 6.012.”

The motion carried by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

OPEN FORUM

Sanjiv Handa of East Bay News Service spoke in Open Forum

CLOSED SESSION

The Board re-entered Closed Session at the hour of 6:15p.m.

ADJOURNMENT

At the hour of 6:45 there being no further business, the Board adjourned by consensus of the members.

John T. Betterton
Secretary of the Board
Regular Meeting of the Board of Port Commissioners
Tuesday, November 5, 2002 - 3:00 PM

ROLL CALL

The Secretary called the roll and the following Commissioners where in attendance:

Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe, and President Kiang.

President Kiang called the Board into session at 3:05 p.m.

CLOSED SESSION

Port Attorney David Alexander suggested that the Board enter into Closed Session to discuss the following items:

1. Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:

City of Oakland v. GKO & Associates, et al., Alameda County Superior Court Case No. 82440-7.


City of Oakland, et al. v. Mardeco, Inc., et al., U.S. District Court of California, N.D. Case Number C 02 0702 EDL

2. Conference With Legal Counsel – Existing Litigation. Pursuant to Subdivision (a) of Section 54956.9: (2 matters)
3. Conference With Real Property Negotiator, as provided under Government Code Section 54956.8, under negotiations:

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<th>Under Negotiation</th>
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<td>Port and City of Oakland</td>
<td>Price and Terms of Payment</td>
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<tr>
<td>Berths 55-56, Terminal</td>
<td>Port of Oakland and Total Terminals International, LLC</td>
<td>Price and Terms of Payment</td>
</tr>
</tbody>
</table>

*By consensus the Board agreed to enter into closed session.*

**OPEN SESSION**

The Board re-entered Open Session at 4:05pm.

Port Attorney David Alexander reported that the Board had agreed to settle the following cases:

*City of Oakland v. GKO & Associates, et al., Alameda County Superior Court Case No. 82440-7.*

*By consensus the Board agreed to authorize settlement of this case.*


*By consensus the Board agreed to authorize settlement of this case.*

*City of Oakland, et al. v. Mardeco, Inc., et al., U.S. District Court of California, N.D. Case Number C 02 0702 EDL*

*Vice-President Scates took no part in the discussion or decision in this case.*

*By consensus the Board agreed to authorize settlement of this case.*
PRESIDENT'S REPORT

President Kiang reported that he and Commissioner Tagami had recently met with Tim Parker, CEO of Southwest Airlines. Mr. Parker had confirmed his commitment to the Oakland Airport and future growth. He agreed to keep an open dialogue with the Port on issues of mutual benefit. The Port hosted a business luncheon for Mr. Parker. Attending the luncheon were Vice Mayor Reid, San Leandro Mayor Sheila Young, Alameda Acting Mayor Al Dewitt and Commissioner Darlene Ayers-Johnson.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director, Tay Yoshitani, reported on the Port's Annual Giving Campaign benefiting the United Way. The Port's efforts last year raised $117,000 and won an award for the most innovative campaign. Director of Aviation, Steve Grossman, is this year's Chairman. He hosted a kickoff luncheon for this year's campaign and announced a fund-raising goal of $125,000.

Director Yoshitani reported on the success of the recent management retreat that took place in Bodega Bay. The two-day event touched on all issues facing the Port and allowed an opportunity for Senior Managers to get better acquainted. A broader management retreat is due to take place December 5th and 6th.

Director Yoshitani reported that he and other Port staff had recently hosted City Manager Robert Bobb and 200 City employees on a boat tour of the Port.

AIRPORT

Commissioner Tagami reported that the November 4th meeting of the Aviation Committee had recommended for approval, by the full Board, Airport 12-20.

Staff recommended that Item 11 be pulled from consideration and brought back at a subsequent meeting.

11. Approval to Conduct Market Research Surveys of the Oakland International Airport Restrooms.

A motion to approve the following items was made by Commissioner Tagami and seconded by Commissioner Ayers-Johnson:


13. Authorization to Negotiate on the Open Market to Procure Modular Buildings for Aviation Division and Related Installation, Renovation, and Relocation Services. (Resolution No. 02367)

14. Approval of License and Concession Agreement with Airborne Express, Inc. for Air Cargo Space. (Resolution No. 02368)
15. First Reading of an Ordinance Approving a Lease with the United States of America, Department of Transportation, Federal Aviation Administration for the Operation of a Middle Marker. (Ordinance passed to print)

16. First Reading of an Ordinance Approving Lease wit the United States of America, Department of Transportation, Federal Aviation Administration for the Operation of a Glide Slope. (Ordinance passed to print)

17. First Reading of an Ordinance Approving Additional Signatories to the Airline Operating Agreement and Space/Use Permit at Oakland International Airport. (Ordinance passed to print)

18. Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with West Coast Contractors, Inc. (Resolution No. 02369)

19. Approval of Lease Amendments for Extension of Lease with the United States Postal Service. (Ordinance passed to print)

20. Award of Contract for Upgrade of HVAC System and Replacement of Cooling Tower No. 1 and Chiller No. 2, Building M-104, South Field. (Resolution No. 02370)

The motion carried by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

MARITIME

Commissioner Kramer reported that the October 31st meeting of the Maritime Committee had recommended for approval, by the full Board, Maritime 31 & 32.

A motion to approve the following items was made by Commissioner Kramer and seconded by Commissioner Tagami:

31. Approval of Agreement with East Bay Regional Park District for Management of Middle Harbor Shoreline Park. (Resolution No. 02371 and Resolution No. 02372)

Sandra Threllfall spoke on this item

32. Ratification of Change Orders to Contract for Construction of Berth 25-Yard Expansion, Outer Harbor – Unforeseen Site Conditions and Design Changes. (Resolution No. 02373)

The motion carried by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang
OPERATIONS

Vice-President Scates reported that the October meeting of the Audit, Budget & Finance Committee had recommended for approval, by the full Board, Operations 41 – 43.

A motion to approve the following items was made by Vice-President Scates and seconded by Vice-President Protopappas:

41. Approval of a Contract Extension for Professional Services with Lance R. Bateman to Provide Financial Planning Services. (Resolution No. 02374)

42. Approval of Extension of Contract with D2 Business Consulting to Implement ISO 9000 Standards for the Maritime and Financial Services Divisions. (Resolution No. 02375)

43. Authorization to Enter into a Contract for BLT Associates for Human Resources consulting Services. (Resolution No. 02376)

The motion carried by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

Staff recommended that Item 44 be pulled from consideration and brought back at a subsequent meeting.

44. Approval of Revised Administrative Policy AP 100, Driving on Port Business and Use of Port Vehicles.

Commissioner Ayers-Johnson reported that the October 22\textsuperscript{nd} meeting of the Administrative Committee had recommended for approval, by the full Board, Operations 45 & 46.

A motion to approve the following items was made by Vice-President Scates and seconded by Vice-President Protopappas:

45. Personnel Items: Creation of Salary Schedule and Creation of Classifications/Positions. (Ordinance to passed print)

46. Approval of As-Needed Environmental Compliance Consulting Services. (Resolution No. 02378, 02379, 02380 and 02381)

Eddie Dillard of the Oakland Black Board of Trade and Commerce spoke on this item.

The motion carried by the following votes: (7) Ayes: Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang
SUMMARY ITEMS

By consensus the board approved the following Summary Items:

Building Permit -- Parsons Transportation Group, rearrangement of the security checkpoint area in Terminal 2 OIA to accommodate United States Department of Transportation, Transportation Security Administration passenger screening requirements. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15301 (a).

Final reading of Port Ordinance No. 3720 being, “An Ordinance Amending Port Ordinance No. 867, Amending Certain Sections Relating To Title Changes.”

OPEN FORUM

The following individuals spoke in Open Forum:

Sanjiv Handa, East Bay News Service
Frank Tucker, Oakland Black Caucus
Geoffrey Pete, Oakland Black Caucus

The following individuals yielded their time to Frank Tucker of the Oakland Black Caucus:

Reverend Aurea Luis Carnes, Oakland Black Caucus
Barbara Howard, Oakland Black Caucus
Eddie Dillard, Oakland Black Board of Trade and Commerce

CLOSED SESSION

The Board re-entered closed session at 5:18 p.m.

ADJOURNMENT

At the hour of 6:30 p.m. there being no further business the Board Adjourned by consensus.

John T. Betterton
Secretary of the Board
Adjourned Regular Meeting of the Board of Port Commissioners
Tuesday, October 22, 2002 - 3:00 PM

ROLL CALL

Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, and President Kiang where present. Commissioner Uribe was excused.

CLOSED SESSION

Port Attorney David Alexander reported on the need to hear the following items in closed session:

1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 7 matters.

2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Pursuant to subdivision (a) of Section 54956.9.
   
   City of San Leandro, et al v. Port of Oakland, et al.,
   California Court of Appeal Case Nos. A086708/A087959/A089660

   City of Oakland v. GKO & Associates, et al.,
   Alameda County Superior Court Case No. 824540-7

3 CONFERENCE WITH REAL PROPERTY NEGOTIATOR, as provided under Government Code Section 54956.8, under negotiations:

   Property: Oakland Army Base
   Negotiating Parties: Port, Oakland Base Reuse Authority, City of Oakland, Oakland Redevelopment Agency
   Under Negotiation: Price and Terms of Payment
OPEN SESSION

The Board entered into open session at 4:00

PRESIDENT’S REPORT

President Kiang reported on the October 18th meeting of the City/Port Liaison Committee. He then called on Vice-President Protopappas to report on the Northern European Trade Mission.

Vice-President Protopappas reported that he and Commissioners Ayers-Johnson and Kramer had led a Port delegation to call on customers in Europe. They met with customers in London, Rotterdam, Copenhagen and Hamburg. He thanked Maritime Director Jerry Bridges for his leadership role in the meetings. Both Commissioner’s Ayers-Johnson and Kramer reported similar sentiments.

President Kiang then reported on the Pan Pacific Conference hosted by the Port of Oakland. The conference was a great success and President Kiang thanked all of the staff for their hard work singling out Dan Westerlin for special thanks for coordinating the conference.

EXECUTIVE DIRECTOR’S REPORT

Executive Director Tay Yoshitani called on Maritime Director Jerry Bridges to report on the status of the waterfront since the lock-out had ended. Director Bridges reported that terminal operations where slow due to increased congestion, but that efforts to help all of the impacted parties where continuing.

The Executive Director called on the Social Responsibility Division Director, Bernida Reagan, to report on the Local Business Utilization Goals. Director Reagan reported that a new Master Builder and Local Utilization Policy had been approved and would be disseminated in the near future.

Executive Director Tay Yoshitani reported that Social Responsibility Division Director Bernida Reagan had been chosen by the California Bar Association to receive the Loren Miller Award. The award is given to an outstanding individual whose work extends legal services to the poor.

CLOSED SESSION REPORT

Port Attorney David Alexander reported that the Board had approved a settlement agreement with Evergreen Environmental Holdings Inc., Evergreen Holdings, Inc., and Evergreen Oil, Inc. concerning the Gibson Site in Bakersfield, California.
Commissioner Tagami reported that the September 23rd meeting of the Aviation Committee had recommended for approval, by the full Board, Airport Items 11, 12, 13, and 15.

A motion to approve the following items was made by Commissioner Tagami and seconded by Commissioner Ayers-Johnson.

11 Approval of Access Agreement for Survey and Exploration with United States of America, Department of the Army (One Parcel Bounded by Grumman, Earhart Road, and Doolittle Drive, North Airport. (Resolution 02348)

12 Authorization to Execute a Professional Services Agreement with Jakes Associates, Inc. to Provide As-Needed Consulting Services for a Planned People Mover Connector Between BART and Oakland International Airport. (Resolution 02349)

13 Ratification of Addenda and Award of Contract for Aircraft Sound Insulation Program, Phase 2, A.I.P. 3-06-0170-26, and Phases 3, 4 and 5, Bay Farm Island, Alameda, California. (Resolution 02350)

Vice-President Scates asked why there was no D.B.E. participation listed. Social Responsibility Division Director, Bernida Reagan, answered that she had met with the Contractors and they have assured her they will meet the goals and that her Division will monitor compliance.

President Kiang inquired of Aviation Director Grossman whether the costs were within the Port’s initial estimate and he answered that they were not.

15 Authorization to Exceed $50,000 Limit for Remaining Fiscal Year on Travel Planner Printing. (Resolution 02351)

The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, and President Kiang; (1) Absent: - Commissioner Uribe


Staff pulled this item.
COMMERCIAL REAL ESTATE

Vice-President Protopappas reported that the previous October 2nd meeting of the Commercial Real Estate Committee had recommended for approval, by the full Board, Commercial Real Estate Item 21.

A motion to approve item 21 was made by Vice-President Protopappas and seconded by Vice-President Scates.

21 Termination of Port Participation in Special Services MOU. (Resolution 02352)

The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, and President Kiang; (1) Absent: - Commissioner Uribe

MARITIME

Commissioner Kramer reported that the September 26th meeting of the Maritime Committee had recommended for approval, by the full Board, Maritime Items 31-32.

A motion to approve the following items was made by Commissioner Kramer and seconded by Commissioner Tagami.

31 Approval to Increase Executive Director's Authority to Authorize Changes in Scope to Moffat & Nichol Engineers for Engineering Design Services for the Container Yard and Gate at Berths 57 and 58, Inner Harbor Channel, Vision 2000 Program. (Resolution 02353)

32 Approval of Hearing Officer's Recommendation to Reject Protest of Award of Contact for Demolition of Central Wing and Core of Building D-833, Vision 2000. (Resolution 02354)

The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, and President Kiang; (1) Absent: - Commissioner Uribe

OPERATIONS

Vice-President Scates reported that the October 17th Meeting of the Audit, Budget & Finance Committee had recommended for approval, by the full Board, Items 41 and 42.

A motion to approve the following items was made by Vice-President Scates and seconded by Vice-President Protopappas.

41 Approval to Purchase Annual Software Licenses for Upgrading the Port's Standard Workstation Software from Windows 95/98 to Windows XP Platform. (Resolution 02355)
Authorization to Establish Open Account Agreements for FY 2002-03. (Resolution 02356)

The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, and President Kiang; (1) Absent: - Commissioner Uribe

Commissioner Ayers-Johnson reported that the October 22nd meeting of the Administrative Committee had recommended for approval, by the full Board, Operations 43 – 46.

A motion to approve the following items was made by Commissioner Ayers-Johnson and seconded by Commissioner Kramer.

43 Personnel Items: Title Changes. (Ordinance 1st Reading)

44 Approval of Consultant Agreement with Margaret Vasey to Develop Compliance Mechanisms for Project Labor Agreement. (Resolution 02357)

45 Authorization to Prepare and Execute Agreements with Design Teams for On-Call Architecture and Engineering Services for Projects at the Port of Oakland. (Resolutions 02358, 02359, 02360)

46 Authorization to Enter into a Contract with The Oldani Group for Human Resources Consulting Services. (Resolution 02361)

Sanjiv Handa of East Bay News Service spoke on this item.

The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, and President Kiang; (1) Absent: - Commissioner Uribe

SUMMARY ITEMS

By consensus the board approved the following summary Items

Building Permit for APL Ltd., installation of a new electric gantry crane to replace two older diesel-electric cranes at the American President Lines Terminal, Berth 60-63. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 2, Section 15302 (b). (Resolution 02362)

Building Permit Avis Rent A Car Systems Inc., construction of a 31,000 square foot overflow parking lot with asphalt paving, security fencing, guard booths and lighting at Earhart Road and Ryan Street, North Field, OIA. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15301 (a). (Resolution 02363)

Final Reading Of Port Ordinance No. 3719 Being, “An Ordinance Amending Port Ordinance No. 3666 To Conform Port Of Oakland Living Wage Requirements Therein To Requirements Set Forth In Section 728 Of The Charter Of The City Of Oakland, Entitled, “Living Wage And Labor...
Standards At Port-Assisted Businesses” And Adding Provisions Making Effective Application Of Section 728 Of The Charter To Certain Month-To-Month Tenancies.”

OPEN FORUM

Sanjiv Handa of East Bay News Service spoke in Open Forum.

CLOSED SESSION

The Board reentered Closed Session at 5:10 p.m.

ADJOURNMENT

The Board adjourned for lack of a quorum.

November 11, 2002

John Betterton, Secretary of the Board
Regular Meeting of the Board of Port Commissioners  
Tuesday, October 1, 2002 - 3:00 PM

ROLL CALL

Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas and President Kiang where present. Commissioners Tagami, and Uribe joined the meeting shortly thereafter.

Vice-President Scates was excused.

OPEN SESSION

President Kiang called the Board into session at 3:05.

CLOSED SESSION

Assistant Port Attorney Tom Clark recommended that the Board enter into Closed Session to discuss the following items:

1. Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (3 matters)

2. Conference With Legal Counsel – Existing Litigation. Pursuant to Subdivision (a) of Section 54956.9:

   City of Alameda et al v. Port of Oakland, et al., California Court of Appeal Case Nos. A086708/A089660.

3. Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (c) Section 54956.9 (1 matter)
Conference With Real Property Negotiator, as provided under Government Code Section 54956.8, under negotiations:

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<tr>
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<td>Port and American President Lines</td>
<td>Price and Terms of Payment</td>
</tr>
<tr>
<td>Pardee Parking Lot</td>
<td>Port and City of Oakland</td>
<td>Price and Terms of Payment</td>
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The Board re-entered Open Session at 4:20 p.m.

CLOSED SESSION REPORT

Assistant Port Attorney Tom Clark reported that the Commissioners had in Closed Session reached an apparent consensus on two items:

City of Alameda et al v. Port of Oakland, et al., California Court of Appeal Case Nos. A086708/A089660.

A Motion to approve a settlement agreement in the above case was made by Vice-President Protopappas and seconded by Commissioner Tagami.

The motion carried by the following votes:  (6) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Commissioner Tagami, Commissioner Uribe and President Kiang; (1) Absent: - Vice-President Scates

Execution of a tolling agreement with Federal Express Corporation concerning contaminated soil at the Oakland International Airport.

A Motion to approve a settlement agreement in the above case was made by Commissioner Tagami and seconded by Commissioner Uribe.

The motion carried by the following votes:  (6) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Commissioner Tagami, Commissioner Uribe and President Kiang; (1) Absent: - Vice-President Scates

PRESIDENT’S REPORT

President Kiang reported that the Port had recently held an Airshow to celebrate the 75th Anniversary of the Oakland International Airport. He called on the Director of Aviation, Steve Grossman who reported that 7000-8000 people had attended the show. A highlight of the
show was the Grand Marshall's reminiscence of attending the original dedication of the airport by famed aviator Charles Lindburgh.

President **Kiang** announced the scheduled October 8th signing of the Phase 2 Settlement Agreement and the Supplemental Phase 2 Settlement Agreement in Consolidated Berkeley Keep Jets over the Bay Committee, Et. Al. v. Port of Oakland, Et. Al.

**EXECUTIVE DIRECTOR’S REPORT**

Executive Director Tay Yoshitani reported:

that the Pacific Maritime Association had locked out the I.L.W.U. and that no work was being performed on the docks. Additionally, the work stoppage had caused a suspension of rail and trucking activity.

The Port had co-sponsored with the City of Oakland, Community and Economic Development Agency the International Economic Development Council Conference held in Oakland, September 21st through 24th.

The Port of Oakland will host the Pan Pacific Conference beginning October 15th. The event will provide an opportunity for the Director's from the six founding Ports to meet in one location, and will give the Port an opportunity to showcase the City of Oakland.

The Port is scheduled to welcome the following delegations:

- Gordon Institute of Johannesburg, South Africa - a delegation of 50 leading businesspeople dedicated to improving competitive performance
- 15 Businesspeople from Rotterdam, Holland
- 15 Executives from South Africa, including the CEO's of the National Port and the National Rail Line.
- Suzuyo & Co. Ltd. from Japan
- A V.I.P. Delegation from Dalian, China
- Jacksonville Florida Chamber of Commerce hosted by Deputy Port Director John Glover and Oakland Base Reuse Director Alisa Gallo.

The Port will hold its' final Harbor Tour of the year on October 3rd.

**AIRPORT**

Commissioner **Tagami** reported that the September 23rd meeting of the Aviation Committee had recommended for approval, by the full Board, Airport Items 11-14 and 16-18
Authorization to Exceed $50,000 Limit for Remaining Fiscal Year on Travel Planner Printing

This item was pulled by the staff.

A motion to approve the following items was made by Commissioner Tagami and seconded by Commissioner Ayers-Johnson.

11 Approval of Lease Modification/Supplement with the United States of America to Extend Lease Term (Grumman Street in the Vicinity of Earhart Road, North Airport. (Resolution No. 02324)

12 Approval of License and Concession Agreement with Wells Fargo Bank, N.A. for the Operation of ATM Machines (#1 Airport Drive, South Airport. (Resolution No. 02325)

13 Authorization to Dispense with Standard Bidding Procedures, Accept Informal Proposals, Negotiate and Award of a First Level Maintenance Contract to Endymion Systems Inc. for the MUSE and FIDs Systems of Oakland International Airport. (Resolution No. 02326)

14 Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with SCIS Air Security Corporation, (#1 Airport Drive, South Airport). (Resolution No. 02327)

17 Ratification of Change Order to Contract for Construction of Interim Ticket Counters, Building M-102, OIA – Furnish and Install International Ticket Counter Inserts and Data Cabling and Additional Signage. (Resolution No. 02328)

18 Ratification of Change Order to Contract for Construction of 3rd Curbside Improvements, Terminals 1 and 2, OIA – Modify 3rd Curbside Signage and Install Permanent Fencing. (Resolution No. 02329)

The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Commissioner Tagami, Commissioner Uribe and President Kiang; (1) Absent: - Vice-President Scates

16 Ratification of Hearing Officer’s Recommendation to Reject Protest of Award of Contract for Furnishing Service and Maintenance for Passenger Loading Bridges for the Period Commencing July 1, 2002 and Ending June 30, 2004, 2005, or 2006, South Airport, OIA. (Resolution)

The following Public Speakers spoke against the Resolution: 1. Dan Crosotto of I.A.M. Local 1546, 2. Judy Goff, Alameda County Central Labor Council, and 3. Karen McMullen, MMI

Commissioner Tagami made a Motion seconded by Commissioner Uribe to table item 16 until next meeting
The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Commissioner Tagami, Commissioner Uribe and President Kiang; (1) Absent: - Vice-President Scates

COMMERCIAL REAL ESTATE

Vice-President Protopappas reported that the previous meeting of the Commercial Real Estate Committee had recommended for approval, by the full Board, Commercial Real Estate Item 21.

A motion to approve item 21 was made by Vice-President Protopappas and seconded by Commissioner Uribe.

21 Approval of Sponsorship Funding for the 2002 International Economic Development Council (IEDC) in the Amount of $50,000.00. (Resolution No. 02330)

The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Commissioner Tagami, Commissioner Uribe and President Kiang; (1) Absent: - Vice-President Scates

22 First Amendment to the Purchase and Sale Agreement with Doug Rohn and Elizabeth Zenger for the Property Located at Edgewater Drive and Pardee Road was pulled by staff.

MARITIME

Commissioner Kramer reported that the September 26th meeting of the Maritime Committee had recommended for approval, by the full Board, Maritime Items 31-33 and 35-38.

A motion to approve the following items was made by Commissioner Tagami and seconded by Commissioner Ayers-Johnson.

31 Ratification of Submittal of Application for MARAD/TSA Federal Security Grants and Authorization to Execute Grant Awards; Delegation of Authority to Resolve Bid Protests. (Resolution No. 02331)

32 Authorization to Apply for a Permit from the San Francisco Bay Conservation and Development Commission and Approval of an Agreement with APL, Ltd. for Placement of New Crane at Middle Harbor Terminal. (Resolution No. 02332)

33 Modification to “Approval of Consultant Agreement for Architectural and Engineering Services for Facilities Redevelopment of APL Middle Harbor Terminal, Port of Oakland” to Provide for 30% Design. (Resolution No. 02333)

36 Approval to Establish Executive Director’s Authority to Authorize Changes in Scope to Agreement with Consolidated CM for Construction Management Services for Construction of Berths 57-59 Container Wharf, Fill and Middle Harbor Shoreline Modifications, Vision 2000. (Resolution No. 02335)

Approval to Negotiate and Enter into a Consultant Agreement with Alpha Spectrum Productions, Inc. for Preparation of an Educational Documentary Video; Approval to Dispense with Standard Competitive Procedures. (Resolution No. 02337)

The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Commissioner Tagami, Commissioner Uribe and President Kiang; (1) Absent: - Vice-President Scates

Authorization to Dispense with Standard Bidding Procedures for Removal of Alliance Cranes X-441 and X-442 at American President Lines Terminal was pulled by staff.

Authorization for Procurement of Sheet Pile for the Construction of Berths 32/33 Wharf Rehabilitation Project, Outer Harbor. (Resolution No. 02334)

A motion to approve the following items was made by Commissioner Kramer and seconded by Commissioner Ayers-Johnson.

The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Commissioner Tagami, Commissioner Uribe and President Kiang; (1) Absent: - Vice-President Scates

OPERATIONS

Commissioner Ayers-Johnson reported that the September 24th meeting of the Administrative Committee had recommended for approval, by the full Board, Operations 41 – 44.

A motion to approve the following items was made by Commissioner Ayers-Johnson and seconded by Commissioner Kramer.

Approval of Port Assistance Policy Program and Staffing. (Resolution No. 02338)

Approval of Communications Consulting Services with L. Washburn and Newsmaker Media Inc. (Resolution Nos. 02339 and 02340)

Personnel Items: Creation of Classification/Position. (Ordinance to print)
Approval to Conform Port Ordinance No. 3666 Requirements to the Requirements of Oakland City Charter Section 728, Entitled “Living Wage and Labor Standards at Port-Assisted Business.” (Ordinance to print)

The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Commissioner Tagami, Commissioner Uribe and President Kiang; (1) Absent: - Vice-President Scates

Travel Authorization. (Resolution No. 02341)

A motion to approve Resolution No. 02341 was made by Commissioner Ayers-Johnson and seconded by Commissioner Kramer.

The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Commissioner Tagami, Commissioner Uribe and President Kiang; (1) Absent: - Vice-President Scates

Local Agency Investment Fund. (Resolution Nos. 02342 and 02343)

Assistant Port Attorney Tom Clark reported that this item had come to the attention of the Staff after publication of the Calendar and required immediate attention

A motion to hear Resolutions No. 02342 and 02343 was made by Commissioner Ayers-Johnson and seconded by Commissioner Kramer.

The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Commissioner Tagami, Commissioner Uribe and President Kiang; (1) Absent: - Vice-President Scates

A motion to approve Resolutions No. 02342 and 02343 was made by Commissioner Ayers-Johnson and seconded by Commissioner Tagami.

The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Commissioner Tagami, Commissioner Uribe and President Kiang; (1) Absent: - Vice-President Scates

OPEN FORUM

The following persons spoke in Open Forum:

- Samuel Johnson, Sudden Sam’s Trucking
- Frank Sanchez, Sudden Sam’s Trucking
- Craig Eychner, Thomas Eychner Co.
- Sanjiv Handa, East Bay News Service
CLOSED SESSION

The Board reentered Closed Session at 5:25 p.m.

ADJOURNMENT

The Board adjourned for lack of a quorum.

November 11, 2002

John Betterton, Secretary of the Board
Regular Meeting of the Board of Port Commissioners  
Tuesday, September 17, 2002 - 3:00 PM  

And  

Continued Meeting of the Board of Port Commissioners  
Monday, September 23, 2002 – 1:30 PM  

ROLL CALL  
Commissioner Ayers-Johnson, Vice-President Protopappas, Vice-President Scates,  
Commissioner Tagami, Commissioner Uribe, and President Kiang were present along with  
appropriate staff.  

Commissioner Kramer was excused.  

OPEN SESSION  
President Kiang called the Board into session at 3:00 pm.  

CLOSED SESSION  
Port Attorney David Alexander recommended that the Board enter into Closed Session to  
discuss the following items:  

1 Conference With Legal Counsel – Anticipated Litigation. Significant exposure to  
litigation pursuant to subdivision (b) of Section 54956.9: (8 matters)  

2 Conference With Legal Counsel – Anticipated Litigation. Significant exposure to  
litigation pursuant to subdivision (c) Section 54956.9 (1 matter)
Conference With Real Property Negotiator, as provided under Government Code Section 54956.8, under negotiations:

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**OPEN SESSION**

The Board re-entered Open Session at 4:25. The Port Attorney, David Alexander, reported that the Board had taken no final actions in closed session, and that additional time would be needed to complete the closed session items after Open Forum. He also reported that two additional items where on the Agenda. The first (Item 35 Oakland Army Base) had arisen after publication of the Agenda and was published September 13, 2002 in a Supplemental Agenda. Additionally, an item requiring immediate action had arisen that afternoon (Airport 18) and would require a motion by the Board to be heard. President Kiang directed that each item be taken in due course.

**SPECIAL ORDERS**

_Vice-President Protopappas made a motion to adjourn the meeting in Memory of the Honorable Ralph Appezzato, Mayor of the City of Alameda. The motion was seconded by Commissioner Ayer-Johnson and approved by consensus_

**PRESIDENT’S REPORT**

President Kiang reported on his recent visit to China where he met with the Sr. Executive of China Southern Airlines. This was a follow-up to a meeting President Tagami had in Guanjou a few months previous. China Southern officials will visit the Port in October to explore additional marketing opportunities.

While in China, President Kiang joined Oakland Council President Ignacio De La Fuente and Councilman-at-Large Henry Chiang in a nationally broadcast meeting to discuss the leasing of two Giant Pandas for the Oakland Zoo.

President Kiang announced that the Port would undertake a trade mission to our current and potential European customers on October 5th through the October 12th.
DIRECTOR’S REPORT

Executive Director Tay Yoshitani reported the following:

That the Employee Appreciation Day that had taken place earlier that day. All Port employees had been invited to a picnic on the lawn. Employees where entertained with various games and a division cheer contest, won by the Maritime Division.

That the Port will be a participant in the Bay Area Fleet Week Activities (October 12-15), and that we had reached an agreement with the Navy to moor one of their vessels at the Howard Terminal during that week.

That the Port had held a ceremony on September 11th in honor of those who lost their lives, including our colleagues in the Port of New York/New Jersey. Port Employees gathered on the meadow and followed a bagpiper to Jack London Square to join others in a program of remembrance. Commissioner Ayers-Johnson gave remarks on behalf of the Board.

That he had recently accompanied Mayor Jerry Brown on a trip to Rotterdam where they toured the Port of Rotterdam with the Executive Director. They were also given presentation on the Port’s governance, air quality, water quality, and ballast water issues. Additionally, they met the Minister of the Environment and the head of the Dutch equivalent of the EPA.

The Port recently held the 8th annual Employee Golf Tournament to raise funds for the Employee Scholarship Program. The Tournament raised $70,000 for the fund.

AIRPORT

Commissioner Tagami reported that the August meeting of the Aviation Committee had recommended for approval, by the full Board, Airport Items 11-18.

A motion to approve the following items was made by Commissioner Tagami and seconded by Commissioner Ayers-Johnson.

11 Approval of Assignment of License and Concession Agreement with Laptop Lane Limited to WP Acquisition Corp. (Resolution No. 02303)

12 Approval of First Supplement Agreement to License and Concession Agreement with The Hertz Corporation for Use Modification. (Resolution No. 02304)

13 Approval of Plans and Project Manual for Construction of the Relocated John Glenn Drive and Associated Utilities, South Field, OIA. (Resolution No. 02305)

14 Authorization to Accept Federal Administration (FAA) Grant Offer (AIP-28 and AIP-29). (Resolution No. 02306)

15 Retention of Consultants to Prepare Aviation Operational Analyses for the Environmental Documentation for the Airport Development Program. (Resolution No. 02307 and Resolution No. 02308)
16 Approval and Authorization of Execution of Agreement Indemnifying the City of Alameda in Connection with the Port’s 75th Anniversary Airshow. (Resolution No. 02309)

17 Approval to Purchase Special Events Insurance for Oakland International Airport 75th Anniversary Air Show. (Resolution No. 02310)

The motion carried by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang; (1) Absent: Commissioner Kramer.

Port Attorney David Alexander reported that item 18 was an item requiring immediate action that had come to the staff’s attention that afternoon.

Commissioner Tagami made a motion seconded by Commissioner Uribe to hear the item.

The motion carried by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang; (1) Absent: Commissioner Kramer.

A motion to approve Resolution No. 02311 was made by Commissioner Uribe and seconded by Commissioner Tagami.

18 Accepting a Revised Federal Aviation Administration Grant Offers Under the Airport Improvement Program. (Resolution No. 02311)

The motion carried by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang; (1) Absent: Commissioner Kramer.

COMMERCIAL REAL ESTATE

Commissioner Protopappas reported that the September meeting of the Commercial Real Estate Committee had recommended for approval, by the full Board, of Commercial Real Estate Item 22.

A motion to approve Resolution No. 02312 was made by Commissioner Protopappas and seconded by Commissioner Scates.

22 Ratification of Change Order to Contract for Construction of Berthing Facilities for Former U.S.S. Potomac and Lightship Relief, Jack London Square, Oakland, California – Raise Grade and Remove Obstruction. (Resolution No. 02312)
The motion carried by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang; (1) Absent: Commissioner Kramer.

MARITIME

Commissioner Uribe reported that the August meeting of the Maritime Committee had recommended for approval, by the full Board, Maritime Items 31-34 and Operations 44.

A motion to approve the following items was made by Commissioner Uribe and seconded by Commissioner Tagami.

31 Termination of Terminal Use Agreements for China Ocean Shipping Group Company and Italia de Navigazione-Societa per Azione at Howard Terminal. (Resolution No. 02313)

32 Authorization to Dispense with Standard Bidding Procedures for the Construction of Port Field Support Services Complex, Inner Harbor. (Resolution No. 02314)

33 Authorization to Dispense with Standard Bidding Procedures and to Include Construction of 7th Street Bay Trail Spur Connection to Middle Harbor Shoreline Park, Phase 1, Vision 2000, in the Port’s Small Business Program. (Resolution No. 02315)

34 Transport Trucks and Aqueous Diesel Demonstration Project. (Resolution No. 02316)

44 Authorization to Dispense with Standard Bidding Procedures for Furnishing Labor, Material and Equipment for Paving, Grading and Associated Contractor’s Services for Port of Oakland Facilities for the Period Commencing December 1, 2002 and Ending December 31, 2003, 2004 or 2005. (Resolution No. 02321)

The motion carried by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang; (1) Absent: Commissioner Kramer.

A motion to approve Resolution No. 02317 was made by Commissioner Tagami and seconded by Commissioner Uribe.

35 Recommendation to Pass a Resolution Approving and Authorizing Execution of a Memorandum of Agreement Regarding Oakland Army Base (“MOA”). (Resolution No. 02317)

The motion carried by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang; (1) Absent: Commissioner Kramer.
OPERATIONS

President Kiang reported that the Executive Committee had recommended for approval, by the full Board, Operations 41.

A motion to approve Resolution No. 023187 was made by Commissioner Tagami and seconded by Commissioner Uribe.

41 Resolution Endorsing Oakland Measure DD on November 5, 2002 Ballot, the “Oakland Trust Fund for Clean Water, Waterfront Parks and Recreation.” (Resolution No. 02318)

Sanjiv Handa, of East Bay News Service, spoke on this item

The motion carried by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang; (1) Absent: Commissioner Kramer

Commissioner Scates reported that the September meeting of the Audit, Budget & Finance Committee had recommended for approval, by the full Board, Operations 42 & 43.

A motion to approve the following items was made by Vice-President Scates and seconded by Vice-President Protopappas.

42 Approval of the Fourth Supplemental Agreement with GEAC Enterprise Solutions, Inc. to Perform Training and Consulting Services. (Resolution No. 02319)

43 Approval of Issuance of Port of Oakland Refunding Bonds, 2002 Series N and Certain Related Actions. (Resolution No. 02320)

The motion carried by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang; (1) Absent: Commissioner Kramer.

SUMMARY ITEMS

A motion was made by Commissioner Tagami and seconded by Commissioner Uribe to approve the following four Summary Items:

Building Permit - JetBlue Airways Corporation, remodel ticket counters, relocate a partition wall in an existing office and install a baggage handling system in Terminal 1, OIA. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15301(a).
Building Permit - SSA Terminals LLC, installation of directional and informational signs at the Berths 57, 58 & 59 terminal complex. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 11(a), Section 15311.

Final Reading of - Port Ordinance No. 3716 Being, “An Ordinance Approving And Authorizing Execution And Delivery Of Easement Documents To Pacific Gas And Electric Company (PG&E) For Land Area Between An Existing Vault To A New Vault To Accommodate Future Maintenance.”

Final Reading of - Port Ordinance No. 3717 Being, “An Ordinance Amending Section 5.023 And 5.0236 Of Port Ordinance No. 867.”

The motion carried by the following votes: (7) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

APPROVAL OF MINUTES

By consensus the minutes of the Regular Meeting of September 3, 2002 were approved as submitted and ordered filed.

OPEN FORUM

Sanjiv Handa, of East Bay News Service, spoke in Open Forum.

CLOSED SESSION

The Board re-entered closed session at 5:10 pm.

CONTINUANCE

At the hour of 7:10 Commissioner Tagami made a motion seconded by Commissioner Uribe that the meeting be continued until 1:30 on Monday September 23, 2002

The motion carried by the following votes: (6) Ayes: Commissioner Ayers-Johnson, Vice President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang; (1) Absent: Commissioner Kramer
Continued Meeting of the Board of Port Commissioners
Monday, September 23, 2002 – 1:30 PM

ROLL CALL
Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, and President Kiang were present along with appropriate staff.

Commissioner Uribe was excused.

OPEN SESSION
President Kiang called the Board into session at 3:00 pm

CLOSED SESSION
Port Attorney David Alexander recommended that the Board enter into Closed Session to continue discussion of the following item:

2 Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (c) Section 54956.9 (1 matter)

ADJOURNMENT

The Board re-entered Open Session at 4:10 and there being no further business adjourned.

October 1, 2002

John T. Betterton
Secretary of the Board
Regular Meeting of the Board of Port Commissioners
Tuesday, September 3, 2002

ROLL CALL

Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe, and President Kiang were present along with appropriate staff.

OPEN SESSION

President Kiang called the Board into session at 3:05 pm

CLOSED SESSION

Port Attorney David Alexander recommended that the Board enter into Closed Session to discuss the following items:

1 Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (10 matters)

2 Conference With Legal Counsel – Existing Litigation. Pursuant to subdivision (a) of Section 54956.9: Name of cases:
   - City of Oakland v. Gallagher Properties., Inc., United States District Court of the State of California, Case No. C-01-3212 EDL
   - S.F. Baykeeper, et al., v. City of Oakland, et al., U.S. District Court Case No. C 00 2184 (related to Moby Dick Matter)

3 Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (c) Section 54956.9 (1 matter)
Conference With Real Property Negotiator, as provided under Government Code Section 54956.8, under negotiations:

<table>
<thead>
<tr>
<th>Property</th>
<th>Negotiating Parties</th>
<th>Under Negotiation</th>
</tr>
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<tbody>
<tr>
<td>Oakland Army Base</td>
<td>Port, Oakland Base Reuse Authority, City of Oakland, and</td>
<td>Price and Terms of Payment</td>
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<td></td>
<td>Oakland Redevelopment Agency</td>
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<tr>
<td>Pardee Parking Lot</td>
<td>Port and City of Oakland</td>
<td>Price and Terms of Payment</td>
</tr>
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CLOSED SESSION REPORT

Port Attorney David Alexander reported that the Board had reached agreement on settlement of City of Oakland v. Gallagher Properties, Inc. (Resolution 02302), settlement of disputes with Enron Corporation (Resolution 02300), and a partial settlement of City of Oakland (Port) v. GATX Terminal Corporation (Resolution 02301)

A motion to approve the Resolutions was made by Commissioner Uribe and seconded by President Kiang.

The motion carried by the following votes: (7) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

PRESIDENT’S REPORT

President Kiang introduced, Fred Lau, the new Federal Security Chief for the Oakland International Airport. Chief Lau thanked the Commissioners for their warm welcome and pledged to make our airport the safest in the Nation. He introduced his deputy Calvin Yuen.

President Kiang reported on the recent visits by Senator Barbara Boxer and Congressman Mike Honda. In separate visits in August both toured the Port’s Maritime facilities. Senator Boxer admired the work on Shoreline Park and asked to be invited to the opening. Congressman Honda, from San Jose, noted the role that the Port plays in the regional economy. Both the Senator and Congressman pledged support on the 50ft dredging project.

DIRECTOR’S REPORT

Deputy Executive Director John Glover called on the Director of the Social Responsibility Division, Bernida Reagan to report on the Living Wage. She stated that all rental car Agencies except those in bankruptcy had been notified that they should voluntarily comply with the Living Wage Ordinance or the Port would modify the month to month contract, subjecting them to the policy. She also announced that America West had voluntarily complied with the policy; increasing the wages of approximately 50 employees by an average of 25%.
Roberta Schoenholz, of the Environmental Health and Safety Department introduced a new Report produced by her Department in conjunction with the Planning Department. The report, intended for the Community, is a compilation of all environmental mitigation projects at the Port.

John Glover announced that the Port had been awarded a “Flex Your Power” Award from Governor Gray Davis. The award recognized the Airport and Jack London Square for reducing overall energy consumption by 9.2%. He also announced the upcoming 9/11 Rememberance and the Employee Appreciation Day to be held September 17th.

AIRPORT

Commissioner Ayers-Johnson reported that the August meeting of the Aviation Committee had recommended for approval, by the full Board, Airport Items 11-16.

A motion to approve the following items was made by Commissioner Ayers-Johnson and seconded by Commissioner Tagami:

11 Approval of New License and Concession Agreement with Cal-Air Aviation Services, Inc. (7683 Earhart Road, North Airport). (Resolution 02276)

12 Dispense with Standard Bidding Procedures for the Emergency Replacement for Baggage Carousel #3, Terminal 1 and Authorize a Change Order in Order to Purchase and Install Replacement for Baggage Carousel #4, Terminal 1, Oakland International Airport. (Resolution 02277)


14 Authorization to Execute a Memorandum of Understanding (MOU) with the San Francisco Bay Area Rapid Transit District (BART) to Cooperatively Fund and Participate in an Investigative Study of the Group Rapid Transit (CyberTran International, Inc.) Concept. (Resolution 02279)

15 Ratification of Submittal of Application to Federal Aviation Administration (FAA) and Authorization to Accept FAA Grant Offer. (Resolution 02280)

16 Approval of Fourth Supplemental Agreement with ASC Construction Management for Engineering Services for the Airport Roadway Project, Oakland International Airport. (Resolution 02281)

The motion carried by the following votes: (7) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang
COMMERCIAL REAL ESTATE

Vice-President Protopappas reported that the August 7th Meeting of the Commercial Real Estate Committee had recommended for approval, by the full Board, Items 21-36.

21 Approval of the Potomac Association Operating Budget for FY 2002-03. (Resolution 02282)

* A motion to approve Resolution 02282 was made by Commissioner Uribe and seconded by Vice-President Protopappas.

* The motion carried by the following votes: (7) Ayes: Commissioner Ayers- Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

22 Approval of an Easement Agreement with Pacific Gas & Electric Granting a Utility Easement Containing 110 Square Feet on Embarcadero Road, Oakland, California. (Resolution 02283)

* A motion to approve Resolution 02283 was made by Vice-President Protopappas and seconded by Vice-President Scates.

* The motion carried by the following votes: (7) Ayes: Commissioner Ayers- Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

MARITIME

Commissioner Kramer reported that the August 29th Meeting of the Maritime Committee had recommended for approval, by the full Board, Maritime Items 31-36.

In response to a question from President Kiang about Item 35, Maritime Director, Jerry Bridges, reported on the advantages of the proposed resolution.

* A motion to approve the following items was made by Commissioner Kramer and seconded by Commissioner Uribe:

31 Authorization for Professional Services Agreement to Conduct Maritime Segmentation Analysis and to Develop a Maritime Marketing Strategy. (Resolution 02283)

32 Approval to Grant the State of California, Department of Transportation (Caltrans) a Right-of-Entry Agreement and Extension of Existing Right-of-Entry Agreements for Work Relating to Construction of the Eastern Span of the San Francisco/Oakland Bay Bridge (Seismic Safety Project). (Resolution 02284)

34 Ratification of Change Orders to Contract for Improvement of Yard Lighting, Berth 23, Outer Harbor Terminal – Modifications to the Substation at Building D-851, Including Back-up Generator and Providing Power to the Temporary Trailers. (Resolution 02286)

35 Approval of Consultant Agreement for Architectural and Engineering Services for Facilities Redevelopment of American President Lines Middle Harbor Terminal, Port of Oakland. (Resolution 02287)

36 Approval to Establish Executive Director’s Authority to Authorize Changes in Scope to Agreement with Harris/TRS, a Joint Venture, for Construction Management Services for Construction of Berths 57-59 Container Yard and Gate, Vision 2000. (Resolution 02288)

The motion carried by the following votes: (7) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

OPERATIONS

Commissioner Ayers-Johnson reported that the August 27th meeting of the Administration Committee recommended Items 41-47.

A motion to approve the following items was made by Commissioner Ayers-Johnson and seconded by Commissioner Kramer:

41 Approval of Professional Services Agreement with Watson Wyatt to Perform a Competitive Compensation Survey. (Resolution 02289)

42 Personnel Items: Amendment of Salary Schedule Assignments. (Ordinance - First Reading)

43 Approval and Authorization to Revise Administrative Policy 14, Naming of Port Facilities (AP14). (Resolution 02290)

44 Renewal of Annual Assistance to the Bay Area World Trade Center. (Resolution 02291)

45 Approval for Second Supplemental Agreement to Century Corporate Counsel, Professional Corporation, for Investigations of Discrimination Complaints for FY 02-03. (Resolution 02292)

46 Approval and Authorization for a New Lease Agreement for the Port of Oakland Information Center-West Oakland. (Resolution 02293)
Personnel Items: Salary Adjustment. (Resolution 02294)

The motion carried by the following votes: (7) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

Vice-President Scates reported that the August 22nd meeting of the Audit, Budget & Finance Committee had recommended Items 48-50.

A motion to approve the following items was made by Vice-President Scates and seconded by Vice-President Protopappas:

48 Approval of an Agreement with Miles M. Larson to Perform a Specialized Audit on the U.S. Army Corps of Engineers as it Relates to the 42-Foot Mean Lower Low Water Channel Dredging Project. (Resolution 02295)

49 Approval of Contact with D2 Business Consulting to Document and Improve Finance Division Processes in Connection with Certification of ISO 9001-2000 Standards. (Resolution 02296)

50 Authorization to Sell Replacement Vehicles and Equipment. (Resolution 02297)

The motion carried by the following votes: (7) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

51 Approval of Supplemental Agreement with Towill, Inc. for On-Call Professional Land Surveying and Mapping Services. (Resolution 02298)

A motion to approve Resolution 02298 was made by Commissioner Ayers-Johnson and seconded by Commissioner Tagami:

The motion carried by the following votes: (7) Ayes: – Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

SUMMARY ITEMS

A motion was made by Commissioner Ayers-Johnson and seconded by Commissioner Tagami to approve the following four Summary Items:

52s Travel Authorizations. (Resolution 02299)

Final Reading of - Port Ordinance No. 3713 Being, "An Ordinance Authorizing, Approving And Executing Lease Modification/Supplement No. 5 With The United States Of America, Department Of Transporation, Federal Aviation Administration."
Final Reading of - Port Ordinance No. 3714 Being, "An Ordinance Amending Port Ordinance No. 3439 And Establishing Rates And Charges For Electrical Power And Other Utilities Provided By The Port At The Oakland Army Base."

Final Reading of - Port Ordinance No. 3715 Being, "An Ordinance Amending Port Ordinance No. 2392 Relating To The Conflict Of Interest Code Of The Board Of Port Commissioners Of The City Of Oakland."

The motion carried by the following votes: (7) Ayes: — Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Vice-President Scates, Commissioner Tagami, Commissioner Uribe and President Kiang

APPROVAL OF MINUTES

By consensus the minutes of the Regular Meeting of August 6, 2002 were approved as submitted and ordered filed.

OPEN FORUM

Sanjiv Handa spoke in Open Forum.

CLOSED SESSION

The Board re-entered closed session at 6:20.

ADJOURNMENT

The meeting adjourned for lack of a quorum.
Regular Meeting of the Board of Port Commissioners  
Tuesday, August 6, 2002 - 3:00 PM

ROLL CALL

Commissioner Ayers-Johnson, Commissioner Kramer, Vice-President Protopappas, Commissioner Tagami, Commissioner Uribe, and President Kiang were present.

Vice-President Scates was excused.

OPEN SESSION

President Kiang called the Board into session at 4:13 pm.

CLOSED SESSION

Port Attorney David Alexander recommended that the Board enter into Closed Session to discuss the following items:

40. Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (2 matters)

41. Conference With Legal Counsel – Existing Litigation. Pursuant to subdivision (a) of Section 54956.9: Name of cases:

   - Port of Oakland v. International Brotherhood of Teamsters Local Union 70, et al., Alameda County Superior Court Case No. 2002058643
   - In a Matter Between Building and Construction Trades Council of Alameda County and Davillier-Sloan, Inc./Parsons Constructors, Inc., McKay Case No. 02-008

42. Conference With Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (c) Section 54956.9 (1 matter)
Conference With Real Property Negotiator, as provided under Government Code Section 54956.8, under negotiations:

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</tr>
<tr>
<td>Metroport</td>
<td>Port and Simeon Properties</td>
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</tbody>
</table>

CLOSED SESSION REPORT

Port Attorney David Alexander reported that no final decisions were made in closed session.

PRESIDENT’S REPORT

President Kiang announced the successful sale of 620 Million Dollars in Port Bonds. He reported that the Bonds had been sold during the lowest interest rate in 40 years resulting in a substantial cost savings to the Port. The Aviation and Maritime Divisions will both use the revenue from the Bonds. He thanked all staff who had worked on the sale especially Fred Rickert, Patty Heilbron, Lance Bateman, Gay Joseph, and all of the Port Directors.

DIRECTOR’S REPORT

Executive Director Tay Yoshitani reported on the Port’s Summer Intern Program. Twenty-five interns were chosen from an applicant pool of 160. Each Intern introduced themselves, the college they attended, and the Port Department they were working for.

Director Yoshitani announced the Annual Employee Appreciation Day to be held September 17th from 11:30 to 1:30.

Additionally, he reported on two pending visits by public officials: Senator Barbara Boxer will tour the Port on August 12th. Her visit will focus primarily on aviation and maritime security issues. Congressman Mike Honda will visit the Port on August 20th. Congressman Honda sits on the House Transportation and Infrastructure Committee.

AIRPORT

Commissioner Tagami reported that the July 28th meeting of the Aviation Committee had recommended for approval, by the full Board, Airport Items 2, 3, 4s, 5s, 6s, 7s, 8s, 9s, 10s, and 11s.

    A motion to approve the following items was made by Commissioner Kramer and seconded by Commissioner Ayers-Johnson:
Approval to License and Concession Agreement with Cal-Air Aviation Services, Inc.  
(Resolution 02246)

First Reading of Ordinance Approving a Lease Modification/Supplement with the United States of America, Department of Transportation, Federal Aviation Administration.  
(Ordinance passed to print)

Approval of Lease Modification/Supplement with the United States of America, Department of Transportation, Federal Aviation Administration.  
(Resolution 02247)

Approval of License and Concession Agreement with the United States Department of Justice, Federal Bureau of Investigation.  
(Resolution 02248)

Approval of Agreement to Extend Right-of-Entry and Indemnity Agreement with One-Source Building Services, Inc.  
(Resolution 02249)

Approval of Supplemental License Agreement with the United States of America, Department of Commerce, National Oceanic and Atmospheric Administration.  
(Resolution 02250)

Ratification of the Barter Agreement with SBC Pacific Bell Smart Yellow Pages for the Cover of the Oakland, Alameda, Berkeley, Emeryville & San Leandro Director, August 2002 Issue,  
(Resolution 02251)

Authorization of Extension of Reimbursable Agreement with the Federal Aviation Administration for Airport Roadway Project.  
(Resolution 02252)

Ratification of Change Order to the Contract for Construction of Interim Ticket Counters, Building M-102, OIA – Expansion of Security Checkpoints in Terminals 1 and 2.  
(Resolution 02253)

The motion carried by the following votes:  
(6) Ayes: – Commissioner Ayers-Johnson, Vice-President Protopappas, Commissioner Kramer, Commissioner Tagami, Commissioner Uribe and President Kiang  
(1) Absent: - Vice-President Scates

2. Approval to Extend Living Wage Charter Amendment to Holdover Tenancies.  
(Resolution 02244)

The following members of the Public Spoke against the proposed Resolution:

Thedora Lee, Attorney representing the Rental Car Agencies
Peter Wemple, Budget
Laurie Tallarico, Avis

The following members of the Public Spoke against the proposed Resolution:

Raeann Hernandez, National Car Rental
Jose Torres, Budget & National
Christine Smith, Avis
Judy Goff, Alameda Central Labor Committee
Odus Hall, International Brotherhood of Teamsters
Amaha Kassa, East Bay Alliance for a Sustainable Economy

A motion to approve Resolution 02244 was made by Commissioner Kramer and seconded by Commissioner Ayers-Johnson

The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Vice-President Protopappas, Commissioner Kramer, Commissioner Tagami, Commissioner Uribe and President Kiang (1) Absent: - Vice-President Scates

3. Approval of Plans and Project Manual for Upgrade of HVAC System and Replacement of Cooling Tower No. 1 and Chiller No. 2, Building M-104, South Field, OIA. (Resolution 02245)

A motion to approve Resolution 02245 was made by Commissioner Tagami and seconded by Commissioner Ayers-Johnson

The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Vice-President Protopappas, Commissioner Kramer, Commissioner Tagami, Commissioner Uribe and President Kiang (1) Absent: - Vice-President Scates

COMMERCIAL REAL ESTATE

15. First Amendment to the Exclusive Negotiating Agreement with Oakland Harbor Partners for the Oak to Ninth District Project. (Resolution 02274)

President Kiang recused himself from both the discussion and the vote on this item citing a potential conflict of interest.

A motion to approve Resolution 02274 was made by Commissioner Tagami and seconded by Commissioner Uribe

The motion carried by the following votes: (5) Ayes: – Commissioner Ayers-Johnson, Vice-President Protopappas, Commissioner Kramer, Commissioner Tagami, Commissioner Uribe (1) Abstention: - President Kiang (1) Absent: - Vice-President Scates

A motion to approve the following items was made by Vice-President Protopappas and seconded by Commissioner Ayers-Johnson

16s Recommended Approval of a 10-Month Right of Entry Agreement with Wagner Construction JV, for the Extended Use of a Portion of the Former Jack London Village Site, for Tube Retrofit Staging Activities. (Resolution 02254)
18s Authorization to Renew the Potomac Hull and Machinery and Protection and Indemnity Insurance. (Resolution 02256)

17s Approval of Addendum to the Final Environmental Impact Report for the Site B Development Project and Elimination of Mitigation Measures. (Resolution 02255)

Gary Knecht spoke on this item

The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Vice-President Protopappas, Commissioner Kramer, Commissioner Tagami, Commissioner Uribe and President Kiang (1) Absent: - Vice-President Scates

MARITIME

Commissioner Kramer reported that the July 25th Meeting of the Maritime Committee had recommended for approval, by the full Board, Maritime Items 21, 22, 22, 23, 24, 25, 26, 27, and 28s

A motion to approve the following items was made by Vice-President Protopappas and seconded by Commissioner Ayers-Johnson:


22. Amendment to Tenancy Agreement with Unicold Corporation. (Resolution 02258)

23. Adjustment to Crane Compensation Provisions in the Marine Terminals Corporation ("MTC") Management Agreement at the Ben E. Nutter Terminal. (Resolution 02259)


25. Authorization to Dispense with Standard Bidding Procedures for Construction of Storage Track, Compressed Air System and Miscellaneous Improvements to the Joint Intermodal Terminal, Vision 2000. (Resolution 02261)


27. Authorization to Dispense with Standard Bidding Procedures and Enter into a Purchase Order Contract with Pneumatic Tube Projects Company to Furnish a Pneumatic Tube System at the Berths 57-59 Terminal. (Resolution 02263)

28s Adoption of New Utility Rate Schedules for the Sale of Utilities at the Oakland Army Base. (Ordinance passed to print)
The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Vice-President Protopappas, Commissioner Kramer, Commissioner Tagami, Commissioner Uribe and President Kiang (1) Absent: - Vice-President Scates

OPERATIONS

Commissioner Ayers-Johnson reported that the July 23rd Meeting of the Administration Committee recommended Operations items 31, 32, 33s, 34s, 35s, and 36s

A motion to approve the following items was made by Commissioner Ayers-Johnson and seconded by Commissioner Uribe


Al Loera spoke on this item

32. Authorization to Renew Electrical, Mechanical and Communications On-Call Consulting Agreements. (Resolution 02265)

33s Conflict of Interest Code. (Ordinance passed to print)

Sanjiv Handa spoke on this item

34s Approval of Extension of RGH Group Consulting Professional Services Agreement. (Resolution 02269)

36s Travel Authorization. (Resolution 02270)

The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Vice-President Protopappas, Commissioner Kramer, Commissioner Tagami, Commissioner Uribe and President Kiang (1) Absent: - Vice-President Scates

35s Personnel Item: Termination. (Resolution 02275)

A motion to approve Resolution 02275 was made by Commissioner Tagami and seconded by Commissioner Ayers-Johnson

The motion carried by the following votes: (5) Ayes: – Commissioner Ayers-Johnson, Vice-President Protopappas, Commissioner Tagami, Commissioner Uribe and President Kiang (1) Abstention - Commissioner Kramer, (1) Absent: - Vice-President Scates

COMMITTEE REPORT

President Kiang reported on the July 19th Meeting of the City/Port Liaison
SUMMARY ITEMS

A motion was made by Vice-President Protopappas and seconded by Commissioner Ayers-Johnson to approve the following Summary Items:

Perrier/Nestle Waters Inc., interior remodeling of an existing building to convert it from a truck washing facility to a truck maintenance facility. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15301(a).

Aloha Airlines Inc., construction of a doorway opening in an existing office, ground floor of Terminal 1, below Gate 11. This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15301(a).

Jet Blue Airways Corporation, construction of a two story building addition of 500 square feet (250 square feet per floor). This project has been determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Class 1, Section 15301(a).

Final reading of Port Ordinance No. 3709 “An Ordinance approving additional signatories to the airline operating agreement and space/use permit at Metropolitan Oakland International Airport.”

Final reading of Port Ordinance No. 3710 “an Ordinance amending sections 2.03 and 2.05 and adding section 1.293 to Port Ordinance no. 867 ratifying and fixing the compensation of certain employees of the Port Department.”

Final reading of Port Ordinance No. 3711 “an Ordinance amending Port Ordinance No. 867 amending section 2.07 and adding section 1.292 ratifying and fixing the compensation of certain employees of the Port Department.”

Final reading of Port Ordinance No. 3712 "an Ordinance amending section 1.191 of Port Ordinance No. 867 providing professional development benefits for certain officers and employees."

The motion carried by the following votes: (6) Ayes: – Commissioner Ayers-Johnson, Vice-President Protopappas, Commissioner Kramer, Commissioner Tagami, Commissioner Uribe and President Kiang (1) Absent: - Vice-President Scates

OPEN FORUM

Sanjiv Handa spoke in Open Forum.

CLOSED SESSION

The Board re-entered closed session at 6:10.
ADJOURNMENT

The meeting adjourned for lack of a quorum.

November 22, 2002

John T. Betterton
Secretary of the Board